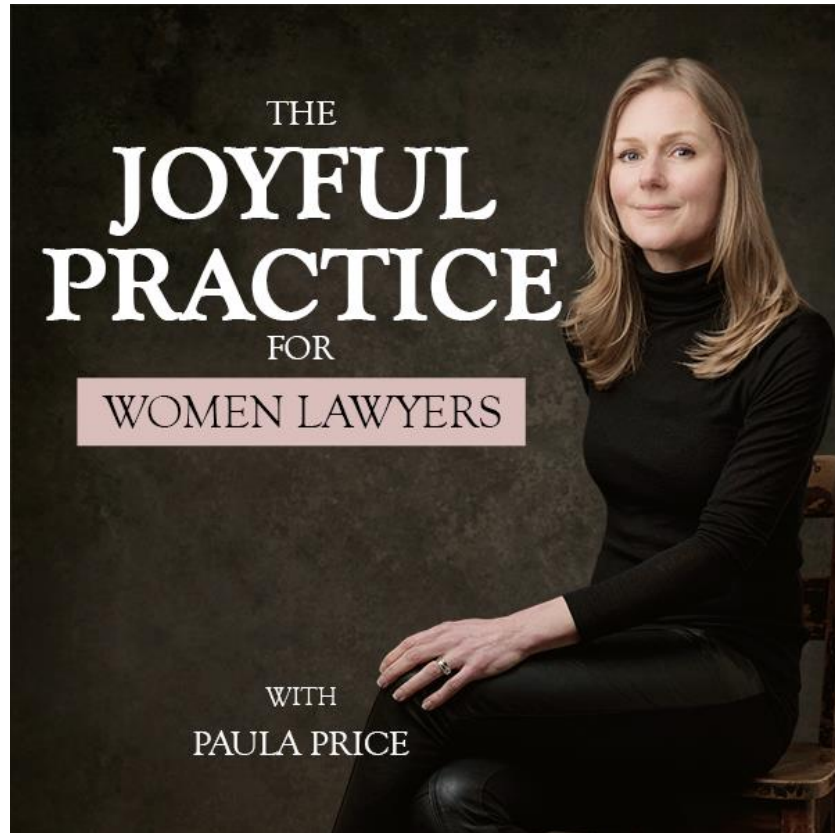


**Ep #48: Courageous Conversations at Work
with Catalina Rodriguez: Harassment, Money and
Advocating for Yourself**



Full Episode Transcript

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Paula Price

[The Joyful Practice for Women Lawyers](#) with Paula Price

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You're listening to *The Joyful Practice for Women Lawyers* Podcast episode number 48.

Welcome to *The Joyful Practice for Women Lawyers* Podcast. I'm your host Paula Price, lawyer turned certified executive coach. This podcast was created to empower women lawyers just like you to create a life and practice you love. Join me every week for a break from the hustle so we can focus on you, what you truly want, and how you can create it.

If you're over the overwhelm, done with putting out fires, and ready to create a life and practice that brings you more joy, you're in the right place. Ready for today's episode? Let's dive in.

Hello, my friends. Welcome back to the podcast. I hope you are having a fabulous week. I am so excited to be introducing today's guest Her name is Catalina Rodriguez. She and I are talking about all things awkward and difficult conversations in the workplace. You are going to love Catalina, and you're going to learn so much about how to approach those conversations that may feel too awkward or too difficult to bring up yet that are so important. So stay tuned for that in just a moment.

Before we do that, I wanted to mention I have a couple of offerings coming up for law students who are working at a law firm this summer. The first offering is a free webinar. It's taking place on Friday, April 22nd at noon Pacific time. It's an hour long. I'm going to be offering some tips and strategies about how to succeed at your first law firm job.

The second offering is a workshop that I'm putting on Friday, April 29th starting at 9:30 a.m. Pacific time. We are going to go in-depth into six different areas where students have opportunities to really set themselves up for success. So the idea here is that you will follow along with the

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webinar in the workshop and be able to create a plan for yourself so that you can set yourself up for success at your summer job this year.

So for anybody who is summering or if you know somebody who is summering, I would encourage you to check out these two offerings. You'll find the links to register on the website, thejoyfulpractice.com website under episode number 48. So go check that out. If you know a student who is starting out then please share it with them. I am really excited to be sharing this information with students and helping them prepare for this wonderful opportunity that they are experiencing.

So without further ado, I'm going to turn it over to my interview with Catalina and thanks again for joining. I look forward to reconnecting again next week. Bye for now.

Paula: Hi, everybody. Welcome back to the podcast. I'm so excited to be introducing today's guest. Her name is Catalina Rodriguez. She is a lawyer, workplace investigator, certified organizational coach, Chartered Professional in Human Resources, and an all-around amazing human who I've known for a number of years. Welcome, Catalina.

Catalina: Thank you, Paula. So excited to be here.

Paula: Oh, Catalina, I'm so happy to have you here. For everyone who is joining us and tuning in today, we are talking about difficult conversations in the workplace. I really couldn't think of a better speaker than Catalina. As I just mentioned, she has all these different roles, these hats that she wears. So, just so excited to have her here today. So Catalina turning it over to you. Can you tell us a little bit about yourself and what you do currently?

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Catalina: Yes. So aside from what you've shared, Paula, I am also the mother of the most amazing eight year old little girl. I have to say that she's my love anchor and the reason behind everything I do. I also practice both on the employer side and the employee side. So I have those two perspectives. I've been in house counsel, and I've also been in private practice.

Currently I also work through an organization called StandUP Teams, which is a, let's say, a side business from the law firm that I work with. Through StandUP Teams, we do harassment and bullying training with a focus on bystander. So how to train people who are observing bullying and harassment.

Paula: That is so wonderful because you have so many different perspectives that you bring to the table. As you mentioned in your role as lawyer, you're looking at this from the perspective, both from the perspective of the employee. So the person who was potentially experiencing the harassment. You're looking at it from the perspective of employers, so how can they set up their systems?

And an additional perspective that you mentioned here, which is that bystander training, right? So not only the conversation as it relates between the two people who are directly involved, but if you happen to be a witness to those conversations. So I'm just really excited for the depth and the perspectives that you're able to bring to this conversation.

So what I'd love to ask you just to start things off a little bit is today we're really talking about conversations. Those really difficult conversations. The ones that you may feel awkward about, the ones that you may push off, that you may avoid altogether. To get that started, I'd love to know some of the challenges that you see that stem from not having those conversations.

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Catalina: So I've seen various Paula, particularly in my work as a workplace investigator, right? Because that's where everything has already gone south. I come in to try to determine, ultimately, who was right and who was wrong. Which, you know, can be tricky. But here we go.

Stemming from lack of communication, the first challenge that I perceive is people assume intentions, right? So nobody can read minds, Paula. As much as we think that we're good at knowing what other people are thinking or feeling, we are wrong quite often. I see that when I'm interviewing a complainant, and I'm interviewing a respondent. They're two different universes, and they are so sure that they know exactly what the other person intended. Okay. So assuming intentions may lead to you feeling bullied or harassed, or you bullying and harassing somebody else without intending to.

I've also seen the challenge when you are avoiding an awkward conversation, you end up not being able to assert your needs. Okay? If you're the type of person who thinks that your needs are so clear that everybody should know about them or that they're so awkward that you don't want to talk about them, you're going to live in constant disappointment. Asserting your needs is a critical skill for success in any relationship, being your personal relationship or your work relationships.

To that point, Paula, it's important to mention that as women we were socialized to be agreeable, and we were socialized to put the needs of other people above ours. Okay. What I see in my practice, Paula, are my women clients who come to me because they have received an employment offer or because they have received a severance package.

You should see the amount of women who are reluctant to ask for more money. "No, Catalina, we can't ask for more money because they're going

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to take the offer away. They're going to take the package off the table. I'm going to be seen as greedy. I don't want that.”

However, as a general set of circumstances, my male clients have no problem asserting themselves. They don't. In the conversations that I've had with my male friends about how they went about negotiating an offer, they're fearless. They're shameless, right? Of course, I'm making generalizations and generalizations are always unfair, granted, okay.

But the point I'm trying to make is it's very important for us as parents to raise our little girls to be able to assert their needs, and that being not an issue. I want this. I need this. I would like you to do this for me. We have to develop that kind of language.

Paula: Catalina, that is so powerful. Those two things that you just mentioned, that mind reading piece. I mean, I've talked about that on the podcast before. If you look up thought distortions, right, there are certain thoughts that humans just tend to have that are wrong. That are distorted. One of them is mind reading, right?

We perceive based on the way that somebody looks at us, the way that they maybe don't say something or they say something that we extrapolate from that meaning. Often we get it wrong, as you pointed out. So I think that's such an important piece for us to be at least aware of. Like, are we guessing here at what the other person is thinking? Or is this actually effect is actually true?

I think that second point that you mentioned, it correlates so beautifully. This idea that we need to assert what it is that we need. I know I struggle doing that. I have seen others struggle doing that. It's like, as you say, it's almost like we're socialized. I think some of it is perhaps innate. The reality

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is that as we cannot read the minds of others, they cannot read our minds either.

Catalina: Exactly.

Paula: So we end up in this situation where the communication just isn't happening, right. So I love that you've identified these two themes, which I think will probably run through the course of our podcast episode, right? If we're thinking about it from that perspective, are we basing our actions on the facts as they are or what we you've imagined them to be? And are we being clear in our own communication in terms of what we need from the other person? So I really love how you framed that.

Catalina: Thank you, Paula.

Paula: Today, we kind of have a framework. We're going to talk about three different types of—time permitting, I think we'll be able to do this. But we wanted to talk about three different types of potentially awkward conversations that can come up in the workplace. Those are conversations around harassment, money, and accommodations.

I just wanted to preface all of this. Catalina is a lawyer. The purpose of today's episode is not to give legal advice to anybody. So big disclaimer here. We are talking as two women and having a conversation about these difficult conversations. Just wanted to give everybody a heads up that if what you're looking for is legal advice, you are best off reaching out to a lawyer even if you are a lawyer yourself. This is not intended to substitute that rule. So just wanted to be clear about that.

So with that in mind, Catalina we'd love to talk about workplace harassment and what that can look like in an environment, and how you might approach

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a conversation about that. So can we start out maybe with what harassment is?

Catalina: Yes. So bullying and harassment, Paula, is conduct that has the effect of intimidate or threatened, and that the person who was engaging in the conduct knew or should have known that it was going to be perceived as intimidating or threatening, okay. In the knew or should have known is where, you know, most of the analysis is.

Because most of the time people are sincere in the fact that they felt intimidated or threatened. I'm yet to find the first complainant who was actually lying about those emotions. The emotions are sincere. It's whether the person knew or should have known that they were going to make someone feel that way. Okay. So that's, let's say, in general the definition.

Paula: So you can have a conversation with somebody then where you may feel like it's harassment, but if that person did not intend for it to be harassment then does that mean that it isn't?

Catalina: Well, again, the intention is not what matters. For the purposes of the law, let's say for the purpose of a breach of the Workers Compensation Act and the policies under it, or for the purposes of the Human Rights Code that talks about bullying or harassment, that ends up being discriminatory because it's attached to one of the protected grounds. Intention is irrelevant, okay. Again, because the law understands that we can't read minds. What matters is effect on the person, and whether the person knew or should have known.

Paula: Gotcha. Just to clarify, for everyone listening, we are in British Columbia in Canada. So we're talking about it in this context.

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Catalina: Yes, thank you.

Paula: So wherever you are, you may have different laws that apply to you. So how would you recommend—So you're in an environment where let's say you're feeling harassed. Maybe there's somebody in your organization, and I gather it can come from a boss. It could come from a client potentially. It could come from somebody that is a colleague.

I've spoken with lawyers who have relationships with their counterparts where I'm not able to really analyze whether or not it constitutes harassment or not, but certainly there's behavior going on there that they find intimidating that is potentially counter to their interests, right? Maybe it's somebody who's being really competitive with them. Somebody who's maybe giving them false information about when a meeting is taking place or what a boss said about a file. I mean, there's all these different versions of what that can look like. So if you're in that position, how do you then have a conversation about it?

Catalina: Okay, there's tips. There's ways to go about this. The first one, I would say is, have the conversation, and start the conversation with this is how I feel. Or this is how this thing you did or this email you sent me made me feel. Which is very different from you did this. You said this. You have no right to say this. You should not have done this, right. So if you were to put it as a cartoon, if you will, or simply imagine the body language is the difference between arms open, open heart, vulnerable, and a pointing finger at your face? Right.

Paula: Gotcha.

Catalina: So what happens when you point the finger at your face? You're putting the other person in fight or flight, right? Because it is perceived—

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When you say you did this, you said this, the other person is immediately put in that frame of mind where they have to defend themselves or they have to get the hell out of there. Right? Or they will freeze, which is you'll get the blank stare then nothing happens, and then a reaction several days later. So start with this is how this made me feel. That's tip number one.

Paula: And just pausing here, Catalina, it sounds like what you're suggesting is we start our conversation with the person who we think is harassing us or bullying us as opposed to, for example, a supervisor. Is that right? Or does it really depend on the circumstances?

Catalina: So, let's say that's best practice. There will be circumstances where that is definitely impossible for you, for many reasons, right? If the bullying or the harassment has occurred over a number of years, you may simply not have the ability to start that conversation, right?

Or if the difficult conversation is with your boss, then you may have to, you know, skip one level up because there's some, you know—The circumstances would dictate whether that is a good way to start. But yes, typically that's best practice. You start there. Most employers policies will always advise start there.

Paula: Gotcha.

Catalina: Yes.

Paula: Which makes sense because if there was a miscommunication and you're able to clarify it with that person, that may be the end of your discussion.

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Catalina: Yes, exactly. Now, the second tip I will give is avoid at all times the words never and always, right? Because they are seldom accurate or seldom fair. So you check in with yourself. Say you always tell me that I'm not doing things right. Well, no. Right. This tip probably is not always. So, again, that puts the other person in a defensive stand.

Paula: I love that as well Catalina because that ties into the thought distortions, right. It's that overgeneralization that we extrapolate from it happening one time or a few times that it's always. So I just love that that's your next tip is be fair about what is actually happening.

Catalina: Absolutely. The next tip I would have Paula is if this is the type of thing that's not letting you sleep at night, right. You have gathered the courage to have the conversation, roleplay, visualize. I don't know if you've heard the interview with Michael Phelps in which they asked him, "Well, how did it feel to win?" He said, "Well, I've done it in my mind many times." Or something along those lines. He's visualized it so many times, he knew how that was gonna go.

That's true for most things in life. If you practice and visualize, by the time you get there, you're prepared, right? I think I'm stating the obvious. But get a significant other, a best friend, a coach, and say, "Okay, hear me out. Can you pretend you're this person?" Then you put it in your own words, and you listen to yourself, and you start articulating what you need and how you felt in a manner in which you're calm and collected.

Because there goes the next tip, be very mindful of your tone. Tones will trigger the other person. If it's not a calm and collected tone, the other person will go into, you know, fight or flight. The last tip I will give at this point, Paula, is if the issue is with a client, right, the best tip for de-escalation is reflective listening. You're a coach. I'm a coach. We know that

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reflective listening is at the core of making someone feel like they have been truly heard and understood.

So the reflective listening looks something like, you know, if the client is telling you, you know, "I can't believe how long this has been taken. This is costing me a lot of money. I don't know if I can go on with this." Then you say, okay. So this has cost you a lot of money. You're concerned about the amount of time that this has taken you. Yes? Or that this has taken me because it's probably against you. That has taken me. Yes? Yes. Okay

Sometimes it's as simple as that. In family mediations and matrimonial disputes, it works like a charm if you make one spouse repeat what the other spouse is saying but in their own words. It's reflective listening. Again, it's a tool for de-escalation.

Paula: Yeah. It's so effective, Catalina. I find it is so effective in communication just for that validation. I know I've had that experience where somebody repeats back to you or they reflect back to you something that you said, sometimes using exactly your words, sometimes they're paraphrasing of what you've just said. It's that acknowledgment that yes, I hear you. I acknowledge what it is that you're saying. It just really fosters the relationship and allows for the further discussion.

So those are some really excellent tips. Those are ones then, if you're in that situation where you feel like you're being bullied or harassed, that you can use to approach that conversation. What do you recommend? Like if you start having that conversation?

I mean, I guess number one is you may feel really awkward about having it in the first place, in which case that visualization component would become really helpful. What happens if you get into that conversation, and then you

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find that it's not going the way that you want? You're not able necessarily to stay as composed as you would like to. Do you have any ideas on how you might deal with that?

Catalina: Yes, Paula. I think it goes back to the preparation, right. So let me ask you a question. If you're in the moment, you're realizing this is not going the way the way it should. I think there's something very powerful in asking for a pause, right? Again because what you probably need is to get out of there, but ask for it, right, as opposed to leaving the room. I'm out of here. Because, again, people misinterpret what that means.

If you get to the point where you realize that this is going nowhere, say, "I would love to be able to continue this conversation. Perhaps right now is not a good time. I feel that I've triggered you. I feel that I've upset you, and that was not my intention. Let's pause. Perhaps I set some time with you again when we can do this.

Now, that requires you, you know, to be able to do that. How do you get to a point where you're so calm about being able to pause a conversation that's escalating, right, and that's not going well? In part of that preparation and that visualization. Sorry, sometimes my ESL gets the best part of me.

That I was suggesting, it's important for you to ask yourself why is this conversation uncomfortable for me? Don't take it for granted. You know it's uncomfortable. Ask why? Where in my body do I feel the discomfort? Because discomfort is it's a physical thing? Is it in my tummy? Is it in my throat? Is it in my chest? What is this emotion telling me? Emotions are data points. Where is this emotion coming from?

If you sit quietly with yourself you may discover. I'm going to give you an example. The reason why I find this conversation awkward with my boss is

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because and the reason why I'm feeling harassed by this boss is because he makes me feel exactly like my dad made me feel. Or he makes me feel exactly like that second element, second grade teacher made me feel, right.

Most of the times our discomforts have to do with our trauma. Trauma is reacting to the present as if we were still in the past. It's inevitable, and it's part of being a human. Okay. But when you're able to identify it, and I am not an expert in trauma. I'm not going to say, you know, this is how you get over trauma, none of that. But being aware and conscious of it is better than not knowing that. That going in there thinking that you are entitled to your emotions, that your emotions are absolutely right, that the other person is the one who's wrong.

Versus going oh, wait a minute. When Paula talks to me that way, she reminds me of my mother or my father. I feel like a little girl, and I'm hurt again. Right? That is powerful, powerful knowledge. Knowing that will help you put a bit of distance between the trigger and your reaction, and will allow you to have that moment of pause where you say, "You know what? I think we need to stop this conversation. And we resume it at a different time."

Paula: Yeah, that is so impactful, Catalina. Thank you so much. I think that is such a wonderful point to raise. To that, I think I would add when you're doing that visualization, and I love how you've described it to really sit with the emotion. To figure out where is this emotion coming from. Is within the visualization, and this is something that I read in a magazine. It was talking about a woman, a scuba diver, who had been doing deep dives.

One of her strategies for doing this work, it's really, really dangerous work, was to visualize herself going down 50 meters, however deep she was

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going, and to imagine all the things that could potentially go wrong. Then to see herself overcoming each of those obstacles.

So building on what you have suggested, I would almost encourage to go that next step. Once you have figured out, okay, I'm having this conversation. I can see myself getting upset for this reason. Or if the conversation goes in this direction, I can see myself getting triggered. To then take that next step and think about how do I want to deal with that in the moment?

Whether it's excusing yourself and inviting that you continue the conversation at a later point, whether it's maybe a turn of phrase that you get to use in the moment that buys you a couple of seconds or long enough, at least, to deescalate.

So I just really love that you've identified that and identified that in advance. That this is something that we can do before we even have that conversation so that we're prepared for it. Because sometimes, that just makes all the difference in terms of how we are in the moment.

The last thing that you said about your emotions not always being right, right. I mean, we know emotions are extremely useful data, but they don't give us facts. They don't necessarily tell us exactly what is happening from a data perspective. So yes, we want to be mindful of our emotions, but we also want to make sure that we're balancing that with what's happening in the moment and what we're dealing with with that individual person.

Catalina: Yes, Paula. It takes a lot of work for your emotions to become a data point that does not drive the bus. Right? Because once you're able to put that distance or that pause between your emotions and your reactions, then your life will significantly improve.

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Paula: Absolutely. Absolutely. Much like you mentioned, you don't want to set off the fight or flight in the person that you're speaking with. Similarly, you may find yourself in fight or flight, which then triggers that emotional response. So keeping the two balanced, right, keeping the logical and the emotional parts of our of our minds in balance is, it's an ongoing exercise. I mean, it's something that we practice.

Catalina: Absolutely, Paula. If I can throw another tip out there, I think it's so important to become knowledgeable about the language of emotions. Because if we don't know how to name what we're feeling, it's also very hard to resolve it. I think that's part of the beauty of the latest work of Brené Brown, where she created an atlas of emotions, basically a dictionary of emotions. I've been reading it and, you know, it's simple yet powerful.

Paula: Totally. The whole purpose of our conversation today, really, we're talking about awkward conversations.

Catalina: Yeah.

Paula: If you look at the conversations, they're data points. They're words being exchanged. What makes them awkward is how we feel about them. Whether it's that feeling of fear, or I am not deserving of this thing, or, you know, it's driven by the emotion. That's often the blocs. So I think getting a lexicon where you're able to really identify what's going on and then process that is the key to being able to have these conversations in the first place.

Catalina: Paula, absolutely. Here's an added thing. It's also very powerful when you reach the conclusion that discomfort is not going to kill you. In other words, that feeling discomfort is okay. It'll pass. Right?

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Paula: Yeah. 100%.

Catalina: I mean the people who have dealt with trauma and addiction, such as our own Gabor Maté, our local doctor now of international fame. People fall into addiction to drugs, to alcohol, because they want to avoid the discomfort. Because they want to avoid pain. A key driver to getting off addiction is realizing that that pain and that discomfort stays with you and then goes. It's not constant, and it's not going to kill you. So that awkward conversation that you're about to have with your boss, yes, it might taste like, you know what. It's going to be uncomfortable, but you're gonna be okay.

Paula: 100%. I love that you mentioned that. I think that's a big theme among the different podcast episodes that I've been recording, which is that whole embracing discomfort for what it is. Sometimes it's easier to do than other times, but most often that discomfort has a finite shelf life, right? If it's a conversation you're having, it might be 15 horrible minutes of your life, but on the other side of that is a better sense of freedom, right? You've now dealt with it, whatever the consequences might flow from that.

Versus what does the discomfort look like if you don't have that conversation? Is that discomfort actually going to stretch out longer? Because maybe there's weeks that go by where you're having the conversation in your mind, but you're not having it with the person. So I really appreciate you highlighting discomfort and how it can keep us from doing things. But when you're able to step into that discomfort, when you're able to stop avoiding it, the process of actually working through it turns out often to be so much less uncomfortable than not doing anything about it.

Catalina: Not only that Paula, which is a definite win. It's where growth starts. I had two very awkward and difficult conversations with two

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members of my team in my last position where I was a people manager. Two of my team members told me, for different reasons, that I had screwed up, for lack of a better—to make the story short. You've made a mistake. This is not how you do things, right.

I was triggered, and I was upset. I was uncomfortable. I didn't like it. I thought they were wrong. But I had the conversations with them. Encouraged by my own boss, “You have to have the conversation.” I did. These two people became two of my favorite humans on this earth. Because we went through that, right. When you roll in the mud with someone, you're going to come out a better human.

Paula: Such a great story. I appreciate that, Catalina. I think that's inspiring for so many of us to go ahead and have those conversations. So it's really—

Catalina: Yeah.

Paula: So we are talking about discomfort. We're talking about emotions. One area where that can really come up as in relation to money, right. In terms of how do you ask for a raise? How do you ask for a promotion? What if your neighbor down the hall is making more money than you and you want to level the playing field? What do you recommend if you are having one of those types of conversations?

Catalina: If you want to talk about money with your boss or you want a pay increase, my recommendation is come prepared and come armed. Come armed with the facts as to why you bring value to the organization. Don't come prepared with the facts as to how much your financial need is such that you need a raise, right? Because your mortgage payment, because your car payment. That's not your boss's problem, and frankly, they don't—I

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mean, they might care about you as a human, but it's not the way to argue it.

Paula: Absolutely.

Catalina: You come prepared with this is how long I've been here. These are my wins. This is what we've achieved. This is what I've achieved through other people. This is the people I have helped develop. This is the product that I have launched. Whatever, right. This is why I think I'm worth the raise. This is how, you know, a raise will ensure that that you see in me the value that I see myself in me, right, and that I want to stay. Again, you practice, you create your script, you read it the night before, and you show up prepared.

Paula: Totally. You mentioned at the beginning of our call that there's often a difference between your women clients and your men clients in terms of their attitude, just their innate disposition, right? You mentioned the men almost seem like they're fearless. They're coming in. I've heard a stat that kind of correlates with that. This idea that men will apply for job positions where they have like 60% of the qualifications versus women who will wait till they have 100%, right. They check all the boxes.

So if you look at the different approaches that you've seen. We'll call it like the male perspective or the female perspective. How would you recommend building yourself up so that you're able to have those conversations?

Catalina: Well, you have to be very aware of your value, right? So how do you build yourself up? You talk to someone who loves you, and you talk to someone who cares, right? You, with the help of this other person, you use this person as a mirror. You ask them, tell me what you see in me. Why am

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I great? Why am I amazing? Hopefully you have someone like that in your life that's able to tell. Find more than one person.

In one of the coaching exercises that I did at my last position, we had the notion of the board of directors. So in order to drive your career forward, you appoint your own board of directors. You operate yourself as an organization. You have four or five people in your life who are going to give you that strategic direction because they bring to your life amazing things.

You identify those people. Call them what you will. Call them your board of directors. Call them the, you know, the five people that you admire, whatever. Have them as a people that you can pick up the phone and say, "Tell me why I'm amazing." Collect that. Then you're ready for that conversation.

Paula: Absolutely. I find we don't give ourselves enough credit. Often when I'm in a conversation with a client, I'm trying to encourage them to tell me all the things that are amazing about them in a particular situation or whatever that context happens to be. People are really uncomfortable sitting there saying, "Oh, I did a really good job. I managed that difficult situation really well. I won a really difficult case. I did a really great memo."

People don't say that often enough, right? It's like there's a taboo against owning how amazing you are. So for everybody listening, you can go to your board of directors. I love that. Surrounding yourself with people who are going to support you.

I would add to that to give yourself that own feedback. To be able to acknowledge yourself when you do a good job. Acknowledge yourself when you have that difficult conversation. Because I think we were trained

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out of doing it. It's a shame because there's all these opportunities along the way to celebrate ourselves. So I love that. Thank you for that.

Catalina: Well, Paula, I think that that's absolutely true. Something that's important as well I've found is if you had taken the time to write down what your non-negotiables are and have that list. Not because you're about to apply for a job, not because you want to apply for a promotion. Have it because it's important for you to know what your non-negotiables are. Because that list is going to come in handy when you have to make a decision.

So if your non-negotiables are flexible working, working from home, I don't know, four weeks of vacation, ability to travel, whatever. Then when you have this conversation then you know that if those non-negotiables—you know, make at least however much a year, whatever. If those things are not there, then you know that you're ready to walk away. That will transpire because that's also your leverage, right?

In Canada, we have the privilege, if you will, to be in an employee driven market. Our unemployment rate is very low. Onboarding costs are quite expensive for employers. So if you decide to leave, there's all kinds of things associated with that. You have some leverage as an employee and as a candidate. So if you know what your non-negotiables are, you have leverage, and you're ready to walk away.

Paula: Absolutely. It could really help for some people, I imagine, to have a professional advisor help them with that process. Whether it's working with a recruiter who knows your industry, I mean we're talking mainly with lawyers right now in terms of our listeners. Legal recruiters that can help you with that discussion. It sounds like also potentially working with a lawyer if you want to negotiate a new job, and what you're wanting to figure

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out is how to leverage. Is that something that you do in your practice? Do people come to you to help them with that negotiation?

Catalina: Yes, Paula. People will come to me to review the terms of an employment offer, right. One of those terms is money. One of those terms is vacation. There's all kinds of terms in there. I do ask my clients what do you want, right? Because I think my value comes not just from telling you what the lawyer is and what the legal consequences are of the termination clause, and the non-compete and the non-solicit is what do you want? Are you getting what you want, right? I mean those are powerful questions. I think that a lot is gained from putting your mind to that, of course.

Paula: Absolutely. Sometimes hearing it from a professional, hearing it from an advisor, hearing it from a neutral third party reinforces for the applicant or who whoever it is that is in that position. It reinforces for them the value that they bring to the table in a more objective way.

Catalina: Paula, I had a client who was an absolute gem. Like the background that she had, I want to say was unique in this country. Okay. I won't disclose any more details, but she was unique. She was a needle in a haystack. The employer found her, right. She did not want to ask for more money. What they were offering her was very bare bones.

No matter how many times I asked a question, you know, she would not see her own value. Fine. She accepted the job. I'm sure, you know, she's happy and she'll succeed and all the rest. But you have to know when you're that gem, you know.

Paula: Aren't we all gems? Aren't we all diamonds in the rough?

Catalina: We are all diamonds in the rough Paula. Yes, absolutely.

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Paula: Oh my gosh, I love it. Catalina had another question for you just in terms of the difficult conversations, and that's one of accommodations. So do you have any suggestions? I have had clients who feel awkward about conversations in the workplace, sometimes around they're pregnant, right? They need to tell their employer that they're expecting. Or they're interviewing, and they're expecting. They don't know at what point they should disclose it.

Maybe you have issues with mental health, and you're seeking accommodations in the workplace. Do you have any recommendations in terms of how somebody can approach those conversations?

Catalina: Yes. I am, of course, an employment and human rights lawyer. So I have to say start by making a consult with a lawyer. The reason I say that—And this is, of course, not critical and not necessary, but the reason I say that is because sometimes it's when you understand your rights fully, that you become a bit more self-assured about asking for what you want, asking for what you need, or understanding the timing in which you can bring these concerns or these requests, if you will. Or these set of circumstances such as I'm pregnant, right?

The laws in Canada have recognized that when you are away due to disability or maternity leave and whatnot, that the employer adapts, right. The organization evolves. Things are going to continue to go on without you. So when you come back because now you're feeling well, or you've had your baby, you went on your mat leave, and you come back, believe me nobody needs you. It's true because the workplace evolved.

So what is the source of the legal protection? Well, it's there. I mean it's policy made into law that says I know you moved on, but you have an obligation to take the person back. Okay. You have to make efforts. You

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have to accommodate. It's accommodation to the point of undue hardship. It's returning the woman to or the dad who took the parental leave to a position that's the same or equivalent, right? So make an effort.

As I tell my employer clients, particularly small companies, of course, large companies too, but it is the cost of doing business. When you're in business, things are hard. If it was easy, everybody would do it.

Paula: Yeah.

Catalina: So yes.

Paula: I think that's such a great place to go with that is really to seek out legal advice, find out what your legal rights are, and then to approach that conversation from a position of strength.

Catalina: Yes. So that's tip number one, Paula. Tip number two is, this is an inspirational tip, if you will.

Paula: Love it.

Catalina: Be the change you want to see in the world. So I heard from a female lawyer friend who was experiencing burnout. Burnout to the degree that it was starting to become—I mean, there's burnout of all degrees, but this was the one where her health, her mental health was suffering, her ability to sleep, and all of the rest.

To my question of is there a short term disability in your organization, and have you consider taking short term disability and obtaining a doctor's note? Her answer was, "That is the nail in the coffin of your career. You can't do that." To which another lawyer friend who was present in the

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conversation said, "Catalina, have you ever met anyone who has successfully gone on sick leave and come back?" You become the person nobody wants to work with? Okay.

So I have a problem with all of that, Paula, because I do think you need to be the change you want to see in the world. If we want to create a world that's more empathetic and more understanding of mental health, and a legal profession that is more understanding of mental health, we ourselves should not be afraid to take the step to look after ourselves when we need to.

So if you need a leave of absence due to mental health issues, take it. Take it. Then I go back to consult a lawyer, and then you'll know why they need to allow you to take that leave, and what are the duties of the employer upon your return from leave. You know?

Paula: Beautiful. So well put Catalina. Thank you for that. Thank you for that. Catalina, a few more questions. One of them is what are some of the common mistakes that you see people make when it comes to having difficult conversations?

Catalina: I think that mistakes are some of what we have touched upon, right. Is they're not coming prepared, not understanding why the conversation is difficult, not understanding your own emotions around the issue. Not choosing a proper set and setting. You can't have difficult conversations in the hallway and off the cuff. It's that kind of thing. Again, not understanding that you, yourself, need to be calm and collected in order to not trigger the other person.

Paula: Yep. What do you think are some of the skills that would lend themselves to being effective in those conversations?

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Catalina: That is such a critical question, Paula, because some of the skills you need are first of all, reflective listening. That's a skill that takes time. But, you know, I cannot encourage people more. I highly recommend the book on nonviolent communication by Rosenberg is the last name of the author. He was at the height of his popularity in the 80s. His method on nonviolent communication is as relevant in life today as it was in the 1980s. A lot of it is based on reflective listening.

The other skill is holding space for other people Paula. You, as a coach, know the value of holding space. What does that mean? That you are there for the other person without this conversation being about you. So sometimes in a difficult conversation, there's going to be good chunks of that conversation where you listen, you do reflective listening, and you don't bring yourself into it. I hold the space for you. That goes such a long way for difficult conversations with your significant other, and with your friends.

You know it's not always about when you tell me, you know, oh, you had such a terrible headache. "Me too. I have terrible headaches all the time." Don't make it about you and see what happens. Right? Listen, ask questions. Okay, and when do your headaches happen? How often? What have you done about it? Right. Make it about the other person.

A third skill, I will call it a gentle mindfulness. I think mindfulness is also at the height of its popularity for good reason, Paula. Because it is a set of skills and a method that teaches you to not be reactive and teaches you to frankly not take reality so seriously.

Paula: Exactly.

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Catalina: To develop a little bit of a Teflon skin. It works beautifully for a workplace situation, and it works beautiful for situations with your children. Because I think as parents, we treat our kids unfairly when we bark at them because we had a stressful day. We had a difficult day, and they want our attention or they want a second serving of food or they want their food now or they want to go. Then all of a sudden we're lashing out at them. Well, it's not their fault. It has nothing to do with their reality. It's yours. Mindfulness has so much to offer for all of that.

Paula: These are such excellent suggestions Catalina. Thank you. I love them. Adding to that second one that you mentioned about holding space. I think that is such an art and something that I think is hard to do. Sometimes it can be really counter intuitive.

What I've found in holding space for other people is sometimes it's allowing the silence. It's allowing the conversation to be still for a minute. It feels awkward often because it's not what we're socialized to do, but what I've noticed is that following a pause in the conversation is often when the person that you're speaking with comes up with that next thought. So I love that you highlighted that.

For everyone listening, I think it really is a powerful way of connecting with the person that you're speaking with in a way that can be more profound simply by allowing that person to have that space. So I love that you've highlighted that.

Catalina: Absolutely, Paula. Together with holding space is making space. So what do I mean by that? If you work in an organization or a law firm where you have people who are introverted and people who are extroverted, and people who think in silence and process and then contribute and people who need to think out loud and process out loud.

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You will find that those extroverts who process out loud are always the one who are speaking at the team meeting, who will come up with the ideas, who will put up their hands to say yes to take on a difficult project. While your introverts and processors are still processing, right.

As a leader or as a coworker, you have to make space for them. You have to say we're not making a decision today about who takes on the lead for this project. You know, think about it. Whoever's still interested tomorrow, let me know. That way you'll make space.

Paula: Beautiful. And give time too because for some people, it takes longer for them to come to those decisions. For some people, the answer is immediate. For others, it comes after a bit of reflection.

Catalina: Absolutely.

Paula: On that note, if you're one of those people who has been putting off a conversation, right, you've kind of been thinking about it, but you're not quite there yet. What tips would you have for somebody to go ahead and initiate that conversation?

Catalina: Think about all the energy that you're spending in dwelling about it. Right?

Paula: Rumination, yes.

Catalina: And how much that's weighing on you, and how much better you're going to feel once you're on the other side. It might be that when you're on the other side, you might feel worse. Because that's a possibility, right? The conversation may end up with unintended consequences. You're not going to have control over everything that happens in that conversation

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or the outcomes, right. But you would have gotten over the rumination and the weight that there's something that you need to say and something that needs to be resolved. Okay.

Now, there's also two ways to resolve conflict. One is you address it. You have the conversation. The other one is to resolve the conflict on your own and move on. It's like, to put in a different way. It's like when you break up with someone, and you're mourning them. That mourning, sometimes you can do it with the person, and you know you hug each other. You say oh my gosh, this is terrible. We miss each other so much. Sometimes that doesn't help. Sometimes you do the mourning on your own, and you heal yourself. Right.

So think about it. Do you want to have the conversation? Or is this something that you need to get over on your own? There's a lot of factors that will play into whether that is the best choice for you.

Paula: Absolutely, absolutely. I think having that conversation, even when it doesn't result in the outcome that you had desired, at least gives you that information. So if you were dreading the conversation because you were fearful of the consequences. Well, now those consequences have happened, and you can deal with them.

Catalina: Absolutely, Paula. So for example, you go and ask for your pay increase, or you ask for a promotion, right. You think you're ready for the next level. You've armed yourself. You come with your business case as to why it's in the best interest of the organization to give you that promotion or that pay increase, and you don't get it.

Okay, well, now you know how they see you. Now you know, right. They see you as the middle manager or as the associate. They don't see you as

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a partner. They don't see you as a VP. What are you going to do with that information? Are you going to walk away? Or are you going to hang in there and live with that? Now, you know.

Paula: Absolutely. Absolutely. Catalina this has been such an amazing conversation. I think we have time for just one more question. I'm gonna ask this question, which is a lot of our listeners are in leadership positions. So they're looking at this conversation potentially from the perspective of how do I foster a working environment that allows for these types of conversations? Do you have any recommendations for them?

Catalina: Totally Paula because this is one of my favorite topics on my soapbox. You need to train your people on diversity and inclusion. You do. Because this is not intuitive for a lot of people. This is not a topic that a lot of people like to read about. We have become a society of non-readers. We have become a society of Twitters and one liners. People are not sinking their teeth into books like we used to. So not a lot of people that read about diversity and inclusion.

Not a lot of people in the legal profession have had the type of background where they have had to put their minds to diversity and inclusion. We've made lots of headways as a legal profession, for sure. You would have to have your head in the sand to not know that okay, this is something that I need to put my mind to.

But train your people. By training is you bring the type of content that would allow them to start asking themselves, how do I become an inclusive leader? What behaviors do I need to demonstrate? Because this is not an intellectual exercise okay. This is not about knowing the concepts and understanding what a microaggression is, and what's unconscious bias? And what's diversity, and what are the dimensions of diversity. All of that

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helps a lot, but it's how do I change my behavior in a way that everyone around me feel psychologically safe and celebrated at all times? Okay.

Paula: Beautiful.

Catalina: You need that.

Paula: Beautiful. Catalina, you're amazing.

Catalina: Thank you Paula. So are you.

Paula: Thank you so much for coming on today. Where can people find you? I know you're on—You're on LinkedIn, right? I say I know you're on LinkedIn. I'm pretty sure we're always—Now that I'm asking I'm like yes, of course we're on because we're chatting with each other on LinkedIn. Where else can people find you?

Catalina: They can find me on our website. I work for Forte Law. So it's fortelaw.ca or StandUP Teams. If you Google it, I'm there. That's how you can find me.

Paula: Beautiful. Thank you so much, Catalina. So much appreciate you being here today. I know everyone listening has just learned so much from you. I can't express enough gratitude. I feel totally inspired to have all the difficult conversations I can go find.

Catalina: Thank you Paula.

Paula: All the discomfort.

Catalina: Totally.

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Paula: Thank you. Bye for now.

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