

CARE model gives employers control of workplace complaint process

By AdvocateDaily.com Staff

In the first instalment of a two-part series, workplace violence and elder abuse specialist Denise Koster discusses the basics of how companies should address complaints when someone has a bullying or harassment issue while on the job.

Workplace violence and elder abuse specialist [Denise Koster](#)'s unique model helps employers take control of the complaints process when employees say they are being bullied or harassed at work.

Koster, principal of [Koster Consulting Associates](#), tells AdvocateDaily.com that she developed her model over a decade ago after seeing how a number of organizations have had their authority undermined almost as soon as they received harassment complaints from employees.

“Historically, individuals came to a manager or human resources with concerns about harassment or bullying, but they say they don’t want their name used or anything done with the information, due to their fear of retaliation or being labelled as a troublemaker,” she says. “The problem with that is the complainant ends up controlling the process because the manager, who doesn’t want to lose the employee’s confidence, ends up sitting on that information.

“Later on, it makes things even worse when that person leaves for whatever reason, and it comes out that nothing was done about the complaint.”

Koster says the risk of inaction by employers has decreased somewhat in the last decade thanks to the passage of various pieces of legislation, starting in 2010 with Bill 168, which introduced requirements for risk assessments and policies regarding workplace violence and harassment.

More recently, Bill 132 amended Ontario’s *Occupational Health and Safety Act* (OHSA), mandating employers to conduct investigations into incidents of alleged workplace harassment. The bill also explicitly expands the definition of workplace harassment to include sexual harassment and provides provincial inspectors with the power to order an impartial investigation at the employer’s expense.

Koster developed her CARE model for use before a complaint is revealed, to help employers get ahead of a complainant’s concerns.

“This way, the employer is the one that sets the ground rules and controls the complaints process,” she says, explaining that the CARE acronym stands for the four main elements of the model: confidentiality, accountability, retaliation and expectation.

- Confidentiality: “The complaint recipient needs to say to the individual, “Thanks for coming in, and before you tell me anything, I need you to know that I will keep what you tell me as confidential as I can, to the best of my abilities. However, if you disclose allegations of discrimination, harassment, or bullying, then an investigation will have to be the next step under the Human Rights Commission or OHSAA,” Koster says.
- Accountability: “The reason the complaint recipient can’t commit to keeping it a secret is that once they have that knowledge, they also have accountability,” she explains. “And once you have accountability, you have liability, particularly if the receiver of the complaint is in a leadership position.”
- Retaliation: “It’s extremely difficult to work when someone is bullying you, but some people fear it will be even harder after complaining because the person will retaliate, either personally, via their network of connections at work, or through the use of social media,” Koster says. “When employees disclose the allegations, employers should address those fears, and explain the whistleblower protection that is available to them while they’re on the organization’s property and time. Employers must be committed to this and not just give the complainant a false promise.”
- Expectation: “The recipient should find out what the individual expects from the process and explain what is possible,” she says. “Often in cases of harassment or bullying, the person is not really sure. All they know is that they can’t deal with the behaviour any longer, and they need it to stop.”

Only after the employee has agreed to the parameters laid out under the CARE model should a complaint recipient take the details of the person’s allegations, says Koster.

“That way, everyone knows the ground rules, and the manager is not put in a position where they’re not able to act,” she says. “They have a clear conscience going forward with an investigation or calling the police if necessary. And for the employee, it prevents them from feeling deceived later if a manager decides that further action was necessary because nobody has made that promise of complete secrecy.

“Unfortunately, it may result in the person not telling you their issue, but it doesn’t have to stop there. You can follow up later in the day or at another time,” says Koster.

“Also, in my experience, employees coming forward with complaints may be nervous about the process, but they will proceed with the hope that their concern is taken seriously.”

Stay tuned for part two, where Koster will discuss the early assessment of complaints.