

# Families fear retaliation when reporting nursing home abuse

By AdvocateDaily.com Staff

While some higher-profile cases of resident abuse and neglect in long-term care facilities have resulted in legal challenges, a fear of retaliation may hold back families from reporting unacceptable staff behaviour or facility conditions affecting their loved ones, says Toronto workplace violence and elder abuse consultant [Denise Koster](#).

"There needs to be adequate whistleblower protection for residents and family member who have concerns," Koster, principal of [Koster Consulting Associates](#), tells AdvocateDaily.com.

"If that individual is physically and mentally compromised, they may completely rely on staff to assist them through their activities of daily living, and their family may be afraid of retaliation against the resident."

That same fear may prevent families from joining legal challenges, such as a proposed class-action lawsuit that alleges patients at a Scarborough nursing home were left with untreated bedsores and sepsis, among other issues, Koster says.

"It's not just about our mother, it's about all the other people that are still suffering today in the homes," a woman, who is part of the class action, told [CBC](#).

Koster, who is not involved in the case and comments generally, says she is unsure what kind of impact the proposed lawsuit could have on the system as a whole, which she says is "is in need of some repairs."

"These families are bringing attention to the issue, but a class-action suit is not the same as a public inquiry," she says. It will also be hard for new members to join the class if they are afraid of retaliation, she adds.

While a class-action suit may also bring closure and some financial compensation, it does not address the root cause of what was alleged to be happening, she says.

The facility in the Scarborough case does "not believe this lawsuit has merit," and it intends "to demonstrate this through the court process," CBC reports.

"It will be interesting to see how they deal with the allegations, including individual wounds becoming infected with maggots," Koster says, adding she hopes the proposed

lawsuit, in addition to the [Elizabeth Wettlaufer Inquiry](#) — which is expected to issue a report in July 2019 about the murders in Southwestern Ontario nursing homes — lead to changes in the long-term care sector.

Koster, who has worked as a consultant in the field for 25 years, says there are “tremendous” issues in long-term care facilities, from serious mental and physical challenges faced by residents, to short-staffing and behavioural issues among staff.

Through her work doing investigations in other situations, she has found evidence to substantiate resident abuse or neglect among staff in some long-care facilities.

“There are some people, clearly such as Wettlaufer, with serious mental and behavioural issues who should not be working in long-term care or with vulnerable people. There are also systemic issues that need to be addressed. That said, there should be zero tolerance for abuse or neglect, regardless of whether support workers are short-staffed,” Koster says.

Most Canadians are “between a rock and a hard place,” she adds. They can’t afford private care, so they have no choice but to put their loved ones in the system and trust they will receive adequate care, she says.

“Unfortunately, if the allegations are true, the individuals in this class action had to deal with and are still dealing with a terrible situation,” Koster says. “If nothing, I hope the lawsuit will at least make those families feel empowered and to make some change in the system, so something similar doesn’t happen to anyone else.”