

THE PSYCHOLOGY OF COMPLAINTS AND COMPLAINT HANDLING

WHEN YOU ENCOUNTER A HARASSMENT COMPLAINT, WHAT ARE COMMON DYNAMICS?

- Long incubation period
- Ambiguous welcomeness
- Conduct Issues – Organizational Irritation
- Performance issues
- Relationship issues

WHAT EXPLAINS THESE PATTERNS AND TRENDS?

- The psychology of the individual
- The culture of the organization AND
- The particular stage of affiliation and engagement of the affected individual

TODAY WE WILL DISCUSS

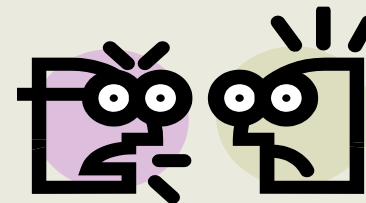
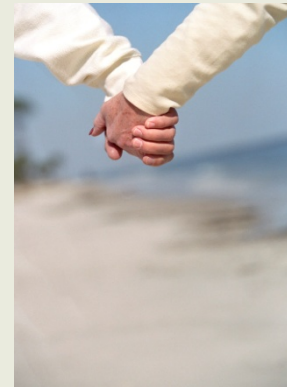
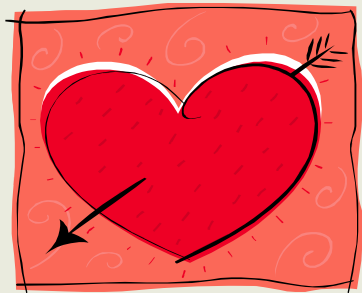
- How a person transforms from an engaged employee to a plaintiff
- Some of the challenges organizations face due to misconceptions about what a complainant “should” look like

DELAYED REPORTING/INCUBATION

MENTAL MODELS

- **Perception of consistent behavior** changes over time

“SPOUSAL SNIFFING”



COPING CAPABILITY

- Predetermined by
 - Individual characteristics
 - Social support systems
 - Life experiences
 - Personal history

“FULL CUP” ANALOGY

Diminished Functioning

Stress

Equilibrium



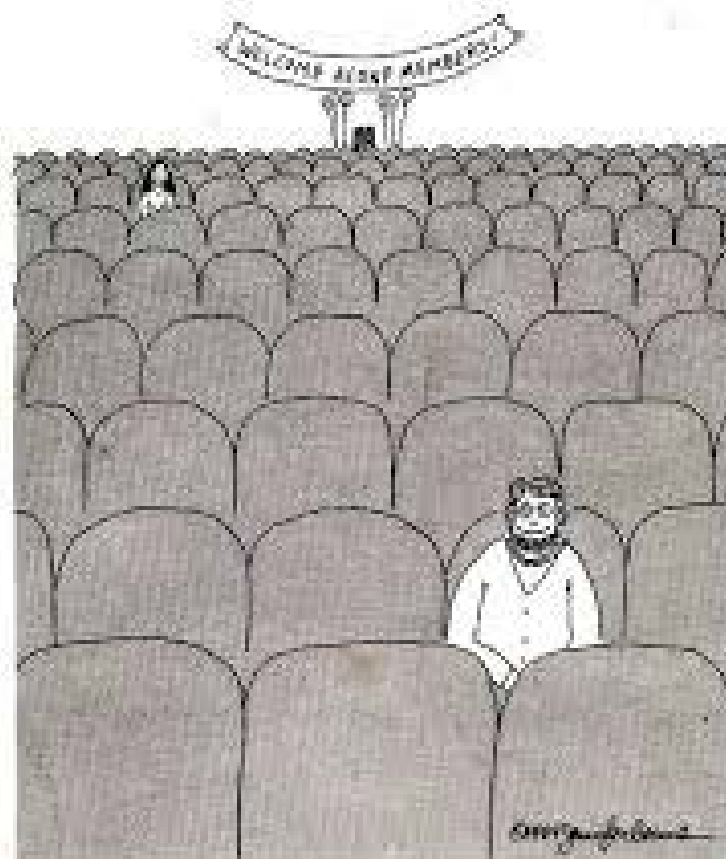
PRAGMATISM: BAT-TS

(BEST ALTERNATIVE TO TODAY'S SITUATION)

- Fastest reporting among
 - Highly Employable
 - Financially secure
 - Independent
 - Well supported

- Slowest reporting among
 - Developmentally promoted (not “officially” qualified)
 - Single parents
 - Financially troubled
 - Physically stressed
 - Socially isolated

ADULT CHILDREN OF NORMAL PARENTS,
ANNUAL CONVENTION.



THE ORGANIZATION'S ROLE

- Organizational culture and behavior as observed and recognized by employees play a huge role in early or delayed reporting.

ORGANIZATIONAL CREDENCE

- Perceived organizational threshold – how likely am I to be believed?
 - History
 - Status, authority and power of respondent
 - Organizational Culture

CURRENT RESEARCH

- The longer the complainant waits, the less s/he viewed as credible
- The more subtle the conduct, the less credence given
- Combination of two “sets up” complainant for skepticism.

ORGANIZATIONAL CULTURE

■ Receptive Culture

■ Engagement Driven

- Emotionally intelligent
- Effective intake
- Empathy
- Non-blaming approach

■ Deflective Culture

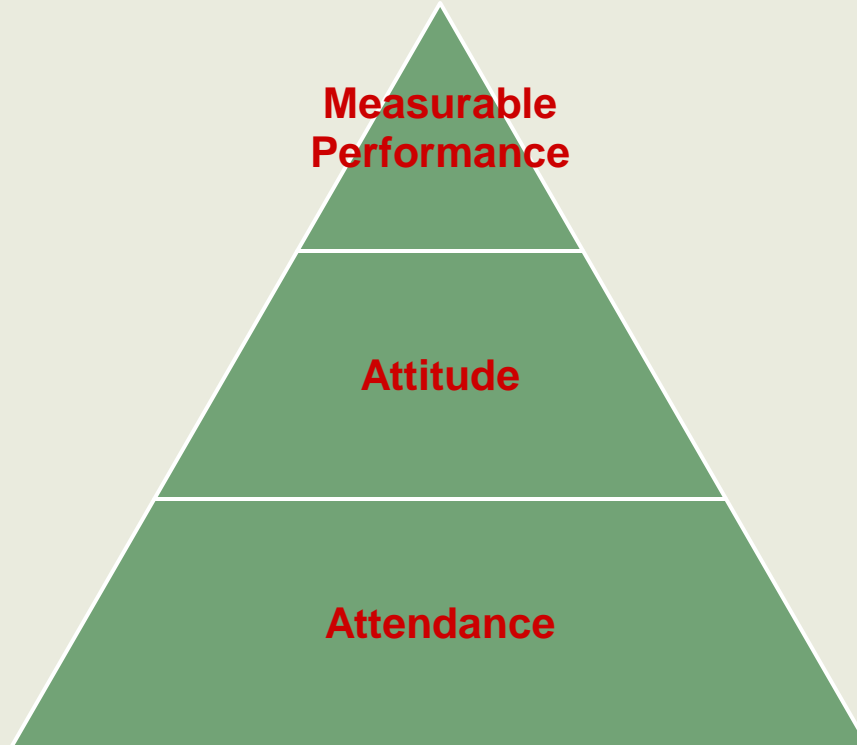
■ Compliance Driven

- Attribution oriented
- Studied objectivity
- “bottom line” mentality

COMPLAINANT A “BAD EMPLOYEE?”

The Chicken or
the Egg?

THE COMPLAINANT ISSUE TRIAD



CI3 DETERIORATION IN OVER HALF OF HARASSMENT COMPLAINANTS

- Avoidance behavior
- Logical carryover from mistreatment; fear anxiety, harassing conduct
- Behavioral change causes secondary stressors
- Performance is affected

COMPLICITY – GOING ALONG TO GET ALONG?

- Four stage process of organizational engagement

- Affiliation and Novelty (learning curve)
- Affiliation and Recognition
- Recognition and Fairness

In the absence of fairness....

- JUSTICE

| Engagement Stage | Person Seeks (for engagement) | Tolerance Level | Actions in face of unwelcome conduct |
|--------------------------|--|---|--|
| New or New Group | Affiliation | High | Adapt or Escape |
| Post Initiation | Affiliation Recognition | Varied: Distinguishes between groups and individuals | Balance maintaining relationships and employment by use of social sorting or nonverbal cues |
| Mature Employment | Recognition and Reward Fairness | Reckons with inequity Intolerance for unfairness | Will formally or informally act on issues and conduct that interfere with engagement |
| Disrupted | Disengaged (JUSTICE) | Declining tolerance Negative Immunity | Alliance Formation Triad conduct |

THE FIRST 24 HOURS

PEOPLE HAVE PROBLEMS

- They can try to manage them



- Or they can tell you about them.



WE CAN'T NECESSARILY CONTROL THEIR DECISIONS ABOUT WHEN TO TALK TO US

- But we can control how we respond.
- Sepler & Associates learned from over 1500 complaining individuals that the decision to work towards resolution or to become adverse to the employer began within the first twenty-four hours after the complaint.

**THERE IS A CONTINUUM OF
COMPLAINT HANDLING THAT CALLS
FOR DIFFERENT APPROACHES AND
SKILLS FROM INVESTIGATION**

“COMPLAINT HANDLING”

- Listening
- Reserving Judgment
- Being open ended
- Demonstrating Empathy
- Showing emotional intelligence
-



INVESTIGATION

- Critical listening
- Focusing on Facts
- Being steadfastly neutral
- Base lining for credibility
- Pushing back on gaps and inconsistencies

PURPOSE OF THE INTAKE

- To get enough facts to determine an appropriate course of immediate action
- To demonstrate to the complaining employee that they are being taken seriously and their concerns are being heard
- To affirm feelings (as opposed to facts.)

ENOUGH FACTS

- Let them tell their story without interruptions or questions.
- Follow up with questions about facts only to the point necessary to grasp the “big picture” and to assess risk
- Determine the amenability to interim actions

DEMONSTRATE THEY ARE BEING TAKEN SERIOUSLY

- Thank them for coming to you.
- If they allege violations of policy, reinforce that policies are taken seriously.
- If they allege conduct that would not violate policy, acknowledge that interpersonal conflicts can be disruptive and there is a desire to assist people in reducing those conflicts.

AFFIRM FEELINGS

- Name the feelings
- Acknowledge or Ask about the impact they describe.
- “We don’t want people feeling....”

THINGS TO AVOID

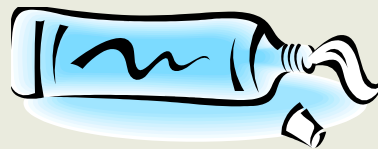
- Questioning motives
- Assigning responsibility
- Demonstrating cynicism
- Being burdened
- The consequences of which will be....

**“IF YOU DON’T TAKE ME SERIOUSLY, I
WILL FIND SOMEONE TO MAKE YOU
DO SO.”**



UNDERLYING THEORY

- We need to make it easy to complain
 - The longer a problem continues, the worse it will get and the harder it will become to resolve it.



INCUBATED INSTITUTIONAL PROBLEMS

- Are the consequence of believing that the best alternative to tolerating the problem is worse than the problem itself.
- Reprisal
- Disbelief
- Nothing will happen
- The wrong thing will happen

MANAGE BY INTENSITY

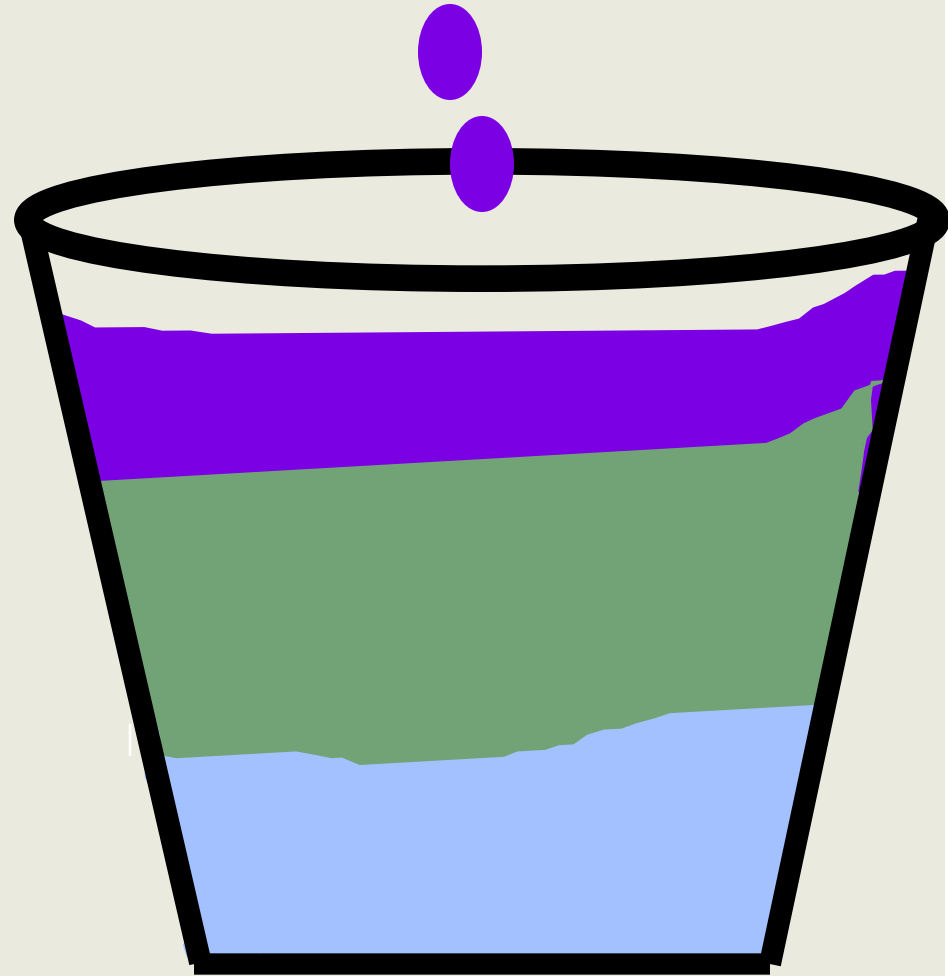
- The “Contact” in 48 hours
- The “Concern” in 24 hours
- The “Charge” immediately

CUMULATIVE CONFLICT

Charge

Concern

Contact



CONTACT

- Isolated
- Uninvolved
- Easily Verified or Not Necessary to Verify
- Due Diligence Reporting
- Low Impact Management

THANK THE COMPLAINER

- Take action necessary to address the issue
- Follow up to be sure it has stopped
- Follow up to be sure there is no further build up
- Document actions taken

CONCERN

- Cup is Filling
- Owns issue but is afraid of resolution
- Needs sensitive but direct intervention
- Generally multiple events or pattern of escalation
- Fact Finding will be necessary
- Avoid defensiveness and emphasize promptness and action.

WHY DO THEY SAY...

- PLEASE DON'T TELL ANYONE?

- “Cup” is too full
- Stress feels unmanageable
- Consequence of addressing still feels greater than consequence of remaining passive

HOW TO DEAL WITH “DON’T TELL”

- Ask what they are concerned about
- Explain the “toothpaste” phenomena and likelihood situation will feel worse with the passage of time
- Be clear about obligation to act
- Offer support for a workplace where people aren’t struggling with things they shouldn’t have to struggle with.

CHARGE

- Perceived as a Crisis
- Focus is on managing person, situation and response
- Cup is overflowing
- May be multiple interwoven issues that need to be sorted out
- Buy time, faith and patience
- Be smart and careful

CHARGE

- Drop everything
- Devote time
- Demonstrate urgency
- Be aggressive about interim actions
- Be available

DO NOT EXPECT FACTS

- Self Advocacy is a necessary precursor to speaking factually
- My Side
- The Facts
- The Truth

LISTEN DEEPLY AND WITHOUT PREJUDGING

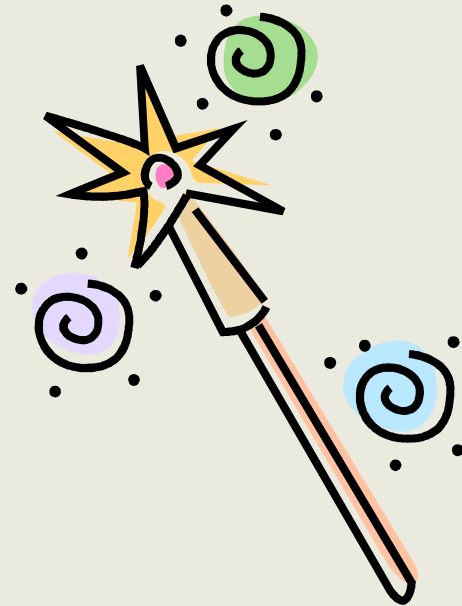
- Every word
- With empathy
- As though there was no history
- As though everything can be addressed
- As though the employee matters

ASK QUESTIONS

- Focused on the “what,” versus the “why.”
- Because you really want to know
- Because you know that it is not your perspective that matters
- Avoid closed ended questions that sound like attacks

- What has been happening?
- How long?
- Who else....?
- Records or evidence?

**BE CAREFUL OF ASKING WHAT THEY
WANT.**



KEY ELEMENTS TO AN EFFECTIVE COMPLAINT

- Time
- Information
- Credence
- Attention
- Reaction
- Support
- Respect and Dignity
- Striving for Fairness

AVOID

- Extensive or intensive note-taking
- Questions or comments about the character of the complainant or anyone else.
- Implying that a “false complaint” could result in problems for the complainant.

TAKE IMMEDIATE AND APPROPRIATE INTERIM ACTIONS

- Protect people and avoid recurrence
- Preserve evidence
- Maintain goodwill

MOST IMPORTANTLY

- Continue to communicate regarding the process
 - Manage frustration, misinformation or a sense things are “dragging on.”
 - Stay within “need to know,” but don’t be entirely opaque.
 - Make sure the complainant knows it is okay to inquire about the process.

EXPLAIN THE OPTIONS

- No Action
 - Does not exclude working with the complainant to assist with concerns
- Remedial Action without investigation
 - Training, universal communication, etc.
- Investigation

IN SUMMARY

- Separate intake and investigation
- Train front line people about the difference
- Streamline interim actions
- Maintain communication

WHO STAYS AND WHO SUES?

- **Inclination to stay:**
 - **Strong Intake:** Listened to, taken seriously, something happens
 - **Receptive organization** with high credence
 - **Short incubation period**
 - **Moderate conduct**
 - **Non CI3**

WHO SUES?

- Inclination to sue
 - History of victimization
 - Deflective culture
 - Longstanding employee
 - Feels blamed, ignored or bungled
 - Full cup
 - Serious conduct or long time conduct
 - In disciplinary or performance correction mode

IMPLICATIONS

■ Prevention

- Be culturally proactive.
- Training for supervisors in effective communication, especially intake
- Recognize shifts in performance, attendance and attitude early and consider scanning or evaluating
- Increase conflict management capabilities and take “unfair” complaints seriously

IMPLICATIONS

■ Investigation and Analysis

- Ensure fact finder is truly neutral
- Distinguish “intake” from investigation
- Respect narrative
- Prepare complainants for scrutiny (and beware the “nuts or sluts” dynamic)
- Credibility assessments should be rigorous and explore psychological realities, rather than simply occurrences