

# BOTTOMLINE

## ON DOMESTIC VIOLENCE

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WORKPLACE POLICY RESOURCES

There are resources available for organizations needing assistance in the creation of a workplace policy against domestic and sexual violence. The American Bar Association has created a model workplace policy that is available online at: [http://www.americanbar.org/content/dam/aba/administrative/domestic\\_violence1/Workplace/Updated%20112a.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/domestic_violence1/Workplace/Updated%20112a.authcheckdam.pdf). Additional information is available from the American Bar Association Commission on Domestic and Sexual Violence [www.americanbar.org/groups/domestic\\_violence.html](http://www.americanbar.org/groups/domestic_violence.html). Other resources include: Workplaces Respond To Domestic and Sexual Violence at [www.workplacesrespond.org](http://www.workplacesrespond.org), and Corporate Alliance to End Partner Violence [www.caepv.org](http://www.caepv.org).

Additionally, the statewide Florida Domestic Violence Hotline at 1-800-500-1119 is a valuable resource for anyone seeking information. The hotline's trained advocates are available 24 hours a day, 7 days a week for crisis intervention, advocacy, and information and referral services. The state's 42 certified domestic violence centers also are available to assist you and your employees. See the map on page 4 for the certified center in your area. For additional information, training or technical assistance, please email: [bottomlineondv@fcadv.org](mailto:bottomlineondv@fcadv.org)



By Roy Maurer

## When Domestic Violence Comes to Work

### 65 percent of employers don't have a plan for domestic violence

The pervasiveness and severity of domestic violence impacting the workplace demands the attention of employers, managers, human resources and security staff, experts agreed.

"Domestic violence and sexual assault walk in the doors of each and every workplace every day here in the United States," said Kim Wells, executive director of the Corporate Alliance to End Partner Violence, a national non-profit organization based in Bloomington, Ill. "Domestic violence robs our employees of their dignity and their health, and these issues hide in darkness until we bring them into the light," said Wells, who is working with the NFL to provide guidance on domestic violence education and conduct a policy review.

One in every four women and one in 10 men will experience domestic violence in their lifetime, according to the Centers for Disease Control and Prevention (CDC). The Department of Labor reports that victims of domestic violence lose nearly 8 million days of paid work per year in the U.S., resulting in a \$1.8 billion loss in productivity for employers.

The CDC also reported that an estimated

1.3 million women are victims of physical assault by an intimate partner each year and that 85 percent of domestic violence victims are women.

Wells' organization found that 21 percent of fulltime employed adults said they were victims of domestic violence and 74 percent of that group said they've been harassed at work.

Yet 65 percent of companies don't have a formal workplace domestic violence prevention policy, according to research conducted by the Society for Human Resource Management (SHRM). Only 20 percent offer training on domestic violence, the 2013 survey found.

The SHRM survey also revealed that 16 percent of organizations have had a domestic violence incident in the past five years, 19 percent had an issue in the past year, and 22 percent did not know.

"Ignorance of the issue is no longer an excuse for employers," said Janice Santiago, until recently an employment advocate at Women Helping Battered Women, the largest support agency for battered women in Vermont.

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## Fast Facts About Domestic Violence

- Domestic violence does not stop at the threshold of people’s homes. Statistics show that 74% of domestic violence victims are also harassed at work.
- Domestic violence costs U.S. businesses nearly \$6 billion annually in aggregate costs, including in excess of \$4.1 billion in direct medical and mental health services.
- 40% of Senior Corporate Executives report being personally aware of a victim of domestic violence in their or another work place.
- Relatives and other personal acquaintances committed 28% of all workplace homicides in which women were victims, and 4% of all workplace homicides in which men were victims.
- A phone survey of 1,200 full-time employees found that 44% of full-time employed adults personally experienced domestic violence’s effect in their workplaces, and 21% identified themselves as a victim.

### When Domestic Violence Comes to Work *continued from page 1*

“We really have to work on the workplace culture around this issue, so employees will not be afraid or embarrassed to tell HR about domestic violence concerns, and are provided the flexibility to deal with the issue,” she said.

Meagan Newman, a partner at Seyfarth Shaw and a nationally recognized legal expert on domestic violence in the workplace, said employers cannot dismiss these issues by characterizing them as “family matters” or “issues best left to law enforcement.”

Law enforcement and families do need to address incidents, as well as social services and educational and health care communities, Newman explained, but employers also have an important role to play. “Every employer needs to have a policy that addresses the issue of domestic violence,” she said. And that policy should be comprehensive and apart from a workplace violence prevention plan or harass-

ment policy, stressed Stephanie Angelo, SPHR, founder and principal consultant of Human Resource Essential, which provides employers with consulting and training on the effects of domestic violence on the workplace.

Newman said the policy needs to address:

- Conduct that occurs off-duty.
- Security concerns.
- Violations of an employment agreement or other condition of employment.
- Non-actionable conduct that nonetheless needs to be addressed because knowledge regarding the issue is raising concerns or otherwise disrupting the work environment.

Domestic violence policies should highlight the employer’s acknowledgement that domestic violence happens and may impact the workplace, and that employers will do what they

can to accommodate those experiencing it, said Santiago. “Having a policy in place lets an employee know that you are aware of the issue and can provide training for the workforce or direct victims to resources.”

#### Obstacles to Awareness

HR may be reluctant to dig into employees’ personal lives, but by providing support for abused employees, HR professionals may be able to prevent workplace tragedies.

First are the perceived legal obstacles. “There are concerns about privacy and maintaining confidentiality, and inviting lawsuits related to how employers respond to employees who report that they are suffering from abuse,” said Newman.

Employers may also believe that while domestic violence is an important issue to address in society, it won’t “happen here,” said Wells.

“Such a taboo issue gives an employer the excuse not to address it, but sometimes the workplace is the only avenue of respite that a victim has,” said Angelo, speaking as a survivor of abuse herself.

“When we think of domestic violence, we typically don’t think about the workplace,” said Alexandra Donovan, violence prevention coordinator at the Cambridge, Mass., Public Health Department. But we should, she said, because “domestic violence has no boundaries, and doesn’t stay at home.”

“Once employers understand that domestic violence can impact their workplace, their next fear is that they’re not equipped to address the issue. And that’s true, but they’re not expected to be experts,” said Wells.

“While we want managers and supervisors and co-workers to be trained about domestic violence and its impact on the workplace, and how to respond and get people to the help they need, we do not want them to take on a role that should be filled by those professionally trained to help. Once employers understand this, this actually alleviates much of their concern about what their role should be, and they get past that obstacle and can move on to crafting a program.”

#### Creating Effective Workplace Domestic Violence Programs

As with any companywide initiative, executive buy-in and a comprehensive plan are essential.

The program's success will depend on its integration into the company's culture and business practices, experts agreed.

The Corporate Alliance to End Partner Violence and the business community developed the following steps to create an effective program:

**Organize a team.** It is important that HR does not "go it alone," here, said Wells. Form a stakeholder group of representatives from HR, health and medical, legal, security, internal communications, public or media relations, community outreach, employee assistance programs (EAPs) and unions. Survey employees on workplace safety, including intimate partner violence, she added, to get an idea of employee awareness of all safety issues.

Commitment from the uppermost levels of the organization is key to success. Have the CEO appoint team members to confer legitimacy, Wells suggested.

"Executives need to know what domestic violence is and what the business case for a domestic violence program is," Angelo said.

**Develop a compliant policy.** Employers have told Santiago they are afraid of being held liable if they do – or don't – adopt a domestic violence policy: "They ask what our legal liabilities are if we do something, and what our legal liabilities are if we don't? And how are we protected?" she said.

Companies should work directly with their legal departments to develop policies and programs, using the latest information on legislation regarding intimate partner violence, leave for victims of domestic violence, nondiscrimination laws, and workplace restraining orders.

While there are no federal laws that directly address the rights of victims of domestic or intimate partner violence as employees, there are many existing federal laws that apply for employers, said Newman. The Equal Employment Opportunity Commission has issued guidance reminding employers that their obligations under Title VII of the Civil Rights Act and the Americans with Disabilities Act may necessitate accommodations to affected employees. The Occupational Safety and Health Act requires employers to maintain a safe work-

place, and the Occupational Safety and Health Administration have cited employers for a lack of workplace violence safeguards under the Act's General Duty clause.

"On the state and municipal level, there are many laws that protect victims of domestic violence," said Newman. "The levels and scope of protections vary. Some protect both direct victims of domestic violence and others extend to family members. Some provide for unpaid leave and others mandate paid leave."

The amount of time off, reasons for leave, notice and other requirements vary, but generally require job-protected leave for medical and legal proceedings. Victim assistance laws prohibit employers from discriminating or retaliating against an employee who requests or takes leave for reasons related to domestic violence.

"Of course, there are restrictions on employers' ability to control off-duty conduct, and state law should be consulted," said Newman. "There are privacy concerns, and issues associated with an employer imposing their own morals or values on employees. Yet, with respect to workplace violence, it is possible to craft language that covers off-duty activity that negatively impacts the work environment."

**Provide training.** Employers should train supervisors to recognize and respond to signs of domestic violence. "Because managers are not in a position to address domestic violence as a separate issue unless the employee self-discloses the problem, managers should understand how to appropriately address changes in behavior that is affecting performance," said Wells.

The employer can start by engaging and publicizing the services of an EAP or the local domestic violence support agency, which can present options and resources available to victims. Presenting the issue in a group setting can reduce any embarrassment or shame that many victims feel. "You have to make it mandatory training," said Angelo. "The people that need to hear the message get the opportunity to hear it, but don't feel that they self-identified as an abuser or victim just because they voluntarily went to the session. If you don't make it mandatory, people won't go."

Training should include issues of privacy and confidentiality. "Employers need to understand that even taking actions with good

intentions - like getting a restraining order for the workplace without talking to the victim first - can make things worse," said Santiago. In some companies, information regarding a domestic violence situation is kept separate from the regular employee file to protect the confidentiality of the victim.

"Employees need to feel that their privacy will be protected in order for them to be comfortable raising concerns and reporting issues to their employers, and this reporting is crucial in helping employers protect both the direct victim of violence as well as others at the company," said Newman. "The role of HR should be carefully defined and the flow of information should be restricted. A supervisor, for example, does not need to be told that an employee on her team has a domestic violence issue. HR can work with the employee and then provide information on a need-to-know basis going forward, just as they would with any other sensitive issue such as a medical or family leave situation."

While HR should not give personal advice or counseling to employees, both HR and managers need to know how to interact with employees on this issue. "Admit up front that this is a very uncomfortable, personal topic for many people. Commit to address domestic violence as an issue and don't be afraid of it," said Santiago.

Training should outline how to respond sensitively and confidentially when victimized employees are identified, how to communicate with a victim or a perpetrator, and what referrals are available, said Wells. Employees should also be trained on security procedures to keep themselves and others safe in the workplace, including how to avoid inadvertently giving batterers access to victims and where to go to report a potential threat, she said.

According to the Cambridge Public Health Department, if an employee reveals that he or she is in an abusive relationship, HR should:

- Communicate your concerns for the employee's safety. It's important to ask the victim what changes could be made to make him or her feel safer.
- Tell the employee that you believe him or her. "Listening, listening, listening, is really important," said Angelo.
- Refer the employee to an EAP. "I would

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## When Domestic Violence Comes to Work *continued from page 3*

strongly advise that the EAP has counselors that specifically deals with domestic violence offenders and victims,” said Angelo. Santiago recommended using a local domestic violence support agency with trained staff.

- Be clear that your role is to try to help and not to judge. “Don’t belittle or criticize the reasons a victim stays or returns to the abuser,” said Angelo.
- Consult with security staff if there is a concern about workplace safety. “Members of the security team should be trained to perform threat assessments, help create individual workplace safety plans, and assist victims of intimate partner violence by providing escorts to and from the office, securing parking and work spaces, screening calls, and providing other services,” said Wells.

**Build awareness.** Employers can incorporate information about awareness of domestic violence into employee orientation programs, wellness and safety fairs, family issues seminars, handbooks, intranet

sites, newsletters, payroll staffers, email, posters and brochures.

“Employees should know that they will not be penalized for seeking help and should receive information on how to recognize the signs of a troublesome or abusive relationship and know where to turn for assistance for themselves or for co-workers,” said Wells.

“At the battered women’s program, so much of what we do is high-intensity reactive support, but we want to be more proactive, preventive and engaged with the business community,” said Santiago. She runs the Chittenden County Safe at Work Network, made up of businesses and organizations in the area that have agreed to create a domestic violence policy, support training and encourage a culture of awareness on the issue.

“Too many people say, ‘It’s not happening here. I don’t see it.’ Whether you see it or not, it is happening in the lives of your employees,” said Angelo. “If you wait for something to happen, you’ve waited too long. Be proactive, be preventive.”

*Roy Maurer is an online editor/manager for SHRM. Reprinted with permission from the Society for Human Resource Management*

FCADV provides a number of resources that are available to businesses and the general public to better understand the affects of domestic violence and the resources that are available for survivors and their children. For the business community, in addition to the BottomLine on Domestic Violence newsletter, FCADV can provide your business with Domestic Violence Does Not End When the Workday Begins posters, Domestic Violence in the Workplace Training Video and guidance with domestic violence model policies.

If you would like more information about any of these resources or assistance in locating your community’s local certified domestic violence center, please email:

[bottomlineondv@fcadv.org](mailto:bottomlineondv@fcadv.org)

FCADV serves as the professional association for Florida’s 42 certified domestic violence centers and is the primary representative of survivors and their children in the public policy arena. The Coalition works to end violence by providing leadership, advocacy, education, training, technical assistance, public policy development, public awareness and support to certified domestic violence centers in Florida.

HELPFUL TOOLS

Sponsored by FCADV and the State of Florida, Department of Children and Families.

## Florida’s Certified Domestic Violence Centers

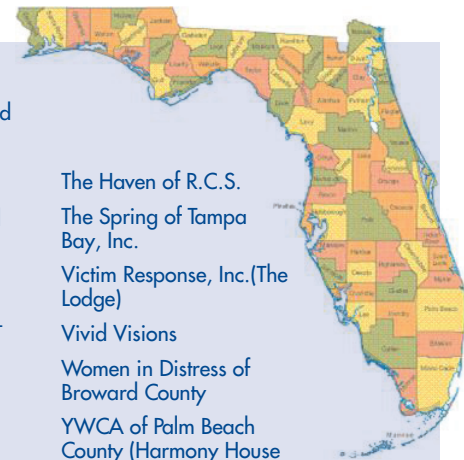
Abuse Counseling and Treatment, Inc.  
Aid to Victims of Domestic Abuse, Inc.  
Another Way, Inc.  
CASA-Community Action Stops Abuse  
Center for Abuse and Rape Emergencies, Inc.  
Citrus County Abuse Shelter Association  
Dawn Center of Hernando County  
Domestic Abuse Council, Inc.  
Domestic Abuse Shelter, Inc.

Family Life Center  
Favor House of Northwest Florida, Inc.  
Harbor House, Inc.  
Haven of Lake and Sumter Counties, Inc.  
Help Now of Osceola County, Inc.  
Hope Family Services, Inc.  
Hubbard House, Inc.  
Lee Conlee House  
Martha’s House, Inc.  
Miami-Dade Advocates for Victims  
Micah’s Place

Ocala Domestic Violence/Sexual Assault Center  
Peace River Domestic Violence Center  
Peaceful Paths  
Quigley House, Inc.  
Refuge House, Inc.  
Safehouse of Seminole County  
Safe Place and Rape Crisis Center  
SafeSpace, Inc.  
Safety Shelter of St. John’s County (Betty Griffin House)

Salvation Army Brevard County Domestic Violence Program  
Salvation Army Domestic Violence and Rape Crisis Program of Panama City  
Salvation Army Domestic Violence Program of West Pasco County  
Serene Harbor, Inc.  
Shelter for Abused Women & Children, Inc.  
Shelter House, Inc.  
Sunrise of Pasco County, Inc.

The Haven of R.C.S.  
The Spring of Tampa Bay, Inc.  
Victim Response, Inc.(The Lodge)  
Vivid Visions  
Women in Distress of Broward County  
YWCA of Palm Beach County (Harmony House Program)



**FCADV**  
Florida Coalition Against Domestic Violence

**Remember: Help Is Here!**

**Florida Domestic Violence Hotline • 1-800-500-1119 • 24 hours a day/7 days a week**