

# DOMESTIC VIOLENCE AND THE WORKPLACE

a POLICY GUIDE for EMPLOYERS

**CAMBRIDGE PUBLIC HEALTH DEPARTMENT**




Cambridge Health Alliance



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“Domestic violence is absolutely a workplace issue. When a victim of domestic violence leaves their abuser, where is the one place the abuser knows the victim will be every day? Work.”

– Cambridge Domestic Violence Advocate

Domestic violence has no boundaries. It isn't something that just “stays at home.”

Domestic violence becomes a threat to the workplace when someone is intent on controlling all aspects of their partner's life—including the workplace. An abuser may stalk their victim at work, harass the victim's co-workers, or come to the workplace with the intent to commit violence.

These behaviors can affect the victim or perpetrator's job performance, make colleagues feel unsafe, and diminish office morale. Whether we realize it or not, domestic violence can affect every workplace in some way.

This guidebook is designed to help employers understand why the workplace is a target for abusers, what workplace domestic violence looks like, and how to develop a workplace domestic violence policy to keep all employees safe.

Employers have a responsibility to maintain a safe workplace. Having a workplace domestic violence policy in place is the best way to ensure there is an effective, organization-wide response to any domestic violence situation.

Domestic violence can be a difficult topic to discuss with employees. This guide will help employers build awareness about domestic violence in their workplace, learn how to talk about domestic violence with employees, and create a policy that ensures all employees are kept safe and healthy.

# DOMESTIC VIOLENCE

## AN OVERVIEW

Domestic violence is a pattern of behavior that one person uses to gain power and control over a current or former intimate partner. It is largely defined by power and intimidation. Domestic violence can happen to anyone, in any type of intimate relationship, whether the couple is married, living together, or dating. It can happen to people of any ethnicity, income level, religion, education level, or sexual orientation.

Likewise, perpetrators of domestic violence belong to all of these categories and can include people who hold positions of authority and are respected and well-liked in their communities. Perpetrators—not victims—of domestic violence are solely responsible for the violence that occurs.

Domestic violence is not a one-time occurrence. Multiple behaviors are linked together to reveal a dangerous pattern. Domestic violence behaviors can include:

### **Verbal abuse**

- + Yelling to intimidate a partner
- + Using inappropriate language to embarrass or humiliate a partner
- + Not talking to a partner or “freezing them out”

### **Emotional abuse**

- + Insults
- + Putdowns
- + Unpredictable behaviors
- + Denying previous abusive incidents
- + Withholding affection
- + Constantly criticizing or focusing on perceived shortcomings or mistakes

### **Isolation**

- + Preventing a partner from having contact with family and friends
- + Not allowing a partner to leave the house
- + Not allowing a partner to have a job

### **Intimidation and threats**

- + Making a partner feel “lower” than the other
- + Threatening violence against a partner, partner’s family, or partner’s friends
- + Purposeful embarrassment
- + Verbal threats of violence
- + Physical conduct (such as hand gestures or raised fists)
- + Causing alarm, fright, or dread in another person
- + Destroying property
- + Hurting pets

### **Stalking and surveillance**

- + Obsessive attention
- + Following a partner in person or monitoring them by GPS
- + Unwanted intrusions and communications
- + Sending unwanted gifts

### **Sexual abuse**

- + Sexual assault
- + Involuntary sexual acts
- + Inappropriate touching
- + Forcing a partner to watch or perform in pornography
- + Sending friends, family, or co-workers sexual photographs

### **Physical violence**

- + Intentional use of physical force or power
- + Kicking, biting, pushing, punching, or strangling

### **Financial control**

- + Withholding a partner's paycheck
- + Attempting to control a partner's money
- + Using a partner's name to open an account
- + Forging signatures on loans
- + Not allowing a partner to work at all

## **WHAT DOES THE WORKPLACE HAVE TO DO WITH DOMESTIC VIOLENCE?**

Domestic violence isn't something that just "stays at home." It comes to work with victims and perpetrators alike.

When talking about domestic violence, sometimes the phrase "cycle of violence" is used to refer to a pattern of growing tension, an abusive event, honeymoon or remorse phase, and reconciliation.

However, "cycle" is not always an accurate description. There may be severe escalation of violence with no warning or growing

Occasionally, a victim is being abused by an intimate partner or family member who works at the same company. More often, however, an employee is the victim of violence by a partner outside the company whose behavior impacts the work environment.

You might find yourself wondering, "Why is the workplace a target for an abuser? How could someone's abuser affect her/his workplace?"

An abuser attempts to control all aspects of her/his victim's life, including the workplace. The work site is a place where a victim may establish relationships separate from the abuser and assert independence—undermining the abuser's desire for total control. Higher self-esteem, camaraderie, financial independence, social support, benefits, and a paycheck can also counter an abuser's goal of power.

Many times, an abuser will not allow her/his partner to work. If the partner is permitted to have a job, work is the one place where an abuser knows they can find the person every day.

tension phase. Some relationships have no remorse or honeymoon period; some have no physical violence. All relationships follow different patterns.

The cycle does not represent the complexity of an abuser's tactics, and how patterns can change over time as victims adapt.

### WHAT DOES DOMESTIC VIOLENCE LOOK LIKE AT WORK?

Perpetrators of domestic violence will try to intimidate and distract their victims from their work using the following tactics:

- + Hiding car keys or a subway pass to make the victim late for work
- + Calling, emailing, or texting harassing messages throughout the day
- + Showing up unannounced at or near the workplace
- + Discouraging the victim from socializing with co-workers
- + Sending flowers and cards to apologize for bad behavior

To unknowing co-workers and supervisors, however, domestic violence behaviors

can seem like ordinary workplace infractions. The victim might:

- + Show up late to work or meetings
- + Seem stressed out
- + Have excessive absences
- + Be unable to concentrate on work
- + Be less productive

These behaviors can make it seem like the victim is “lazy,” a bad team member, or not pulling her/his weight, when in reality the person is experiencing effects of an abusive relationship. Co-workers may also resent these behaviors and have to take on extra work responsibilities to compensate. If they are aware of the problem, they might be worried about the victim and fear for their own safety. In some cases, the behaviors may result in termination of employment.



NEARLY 33% OF WOMEN  
KILLED IN  
U.S. WORKPLACES WERE KILLED  
by a CURRENT or FORMER INTIMATE PARTNER



“We know that every workplace has some aspect of domestic violence—either by people at home, or coming to the workplace.”

— Martha Coakley, Massachusetts Attorney General

When one of your employees is the perpetrator, this person may also be less productive at work, have difficulty concentrating at work, or have more frequent absences due to legal proceedings or incarceration. Perpetrators may also use their workplace resources, such as computers or telephones, to threaten, monitor, or contact their victims.

### WHAT EMPLOYERS NEED TO KNOW

Many people think that domestic violence is a private matter and shouldn't be discussed in the workplace. However, personal issues do affect the way that we work.

It makes good business sense to pay attention to domestic violence that may be impacting the workplace, even though it may seem like a difficult or awkward topic to address. Keeping employees healthy, both physically and emotionally, is important to the success of your

business, and ultimately to your bottom line. If employees are suffering in their home lives and relationships, their energy, concentration, and attitude at work may suffer—negatively affecting not only their own tasks, but also those of the people around them. If domestic violence problems are not addressed, team morale may decline. Company productivity might suffer. Health care costs may increase.

As an employer, it is your responsibility to maintain a safe workplace. Many employers want to address domestic violence in the workplace because they genuinely care about their employees' well being, but don't know how to do it. With the help of this guide, employers can learn to balance professionalism, privacy, and confidentiality while reaching out to employees in need. Through education, raising awareness, and the thoughtful implementation of a workplace domestic violence policy, your efforts can make a difference.

# WORKPLACE POLICY

## DESIGNING EFFECTIVE SOLUTIONS

### TAKING A STAND: ESTABLISH A COMPANY POSITION

One of the first steps to creating a workplace domestic violence policy is establishing a formal company position—in other words, deciding where your organization stands on the issue of domestic violence, and how far you’re willing to go to uphold your organization’s position. The structure of your policy will reflect that stance.

Choosing a type of domestic violence policy doesn’t have to be all-or-nothing. Employers can choose which type(s) are feasible for their organization to maintain. If your organization has little staff time available to develop and monitor a policy, a victim-focused, blanket policy might work best. If your business has more resources to dedicate, a zero tolerance policy might be a good option. Remember, every business is different. The key is to develop a policy that will help keep your employees safe and healthy at work.

#### VICTIM-FOCUSED

Victim-focused policies are the most basic type of policy an employer can have. They tend to be a “blanket statement” that says an organization does not tolerate domestic violence, and will also offer assistance and resources to victims of domestic violence. These policies do not cover perpetrators of domestic violence. This type of policy requires few resources to maintain, and little to no monitoring by employers. It is up to the employee to notify their supervisors of domestic violence incidents.

#### TYPES OF POLICIES



#### “NOT AT WORK”

This type of policy focuses on restricting actions of the perpetrator in the workplace. For example, your policy may state that employees can be prohibited from using any workplace resources (such as work time, phones, email, computers, fax machines or other means) to threaten, harass, intimidate, embarrass, or otherwise harm another person. “Not at work” policies are often used in conjunction with victim-focused policies.

#### HIRING POLICIES

When creating a workplace domestic violence policy, employers can specify whether or not to hire known perpetrators of domestic



violence. “Hiring” policies require employers to be proactive about domestic violence on the front-end, by ensuring that perpetrators are not employed by the organization in the first place. However, different laws govern employers’ obligations at the time of hiring.

- + Knowingly hiring a perpetrator of violence could potentially result in legal liability for an employer. Some courts have held employers liable for violent acts by employees where the danger was foreseeable.
- + On the other hand, some jurisdictions have laws prohibiting discrimination against people with criminal records or certain types of criminal records. The United States Equal Employment Opportunity Commission (EEOC) has said that automatically rejecting people with criminal records for jobs is a form of race discrimination and violates civil rights laws. The only employers allowed to have this kind of rule must prove they need the rule to do business.

When developing your own workplace domestic violence policy, consider consulting an attorney to determine your rights or obligations in such cases.

### ZERO TOLERANCE

This type of policy covers both victims and perpetrators of domestic violence. It is the most thorough domestic violence policy, and requires employers to monitor their employees, perform regular checks, and fire employees who are convicted of committing acts of domestic violence.

## POLICY EXAMPLES

### STATE OF DELAWARE, VICTIM-FOCUSED

The State of Delaware does not tolerate domestic violence and offers support and referrals to assist state employees who disclose concerns or requests for help.

Employees who are victims may choose to notify a designated individual or a supervisor, who would then consult with human resources staff.

### CITY OF BOSTON, 2001, ZERO TOLERANCE POLICY

Overall: The City of Boston has “zero tolerance” for violence, of any kind, in the workplace.

Further, any employee under the hiring or firing authority of the Mayor’s Office (i.e. non-union, at-will employees) who is arrested or charged with perpetrating acts of domestic violence, or put under a restraining order must undergo mandatory counseling through the City’s Employee Assistance Program, or be placed on administrative leave without pay until the issue is resolved in a court of law. If the employee is convicted of charges related to domestic violence, or is found in violation of a restraining order, that employee shall be terminated.

### DEVELOPING POLICY GUIDELINES

After deciding which type of policy is best suited for your organization, your team can then give the policy a structure. A workplace domestic violence policy should include:

#### 1. POLICY STATEMENT

Policy statements are typically 1–2 sentences. This statement explains your company position on domestic violence. It's the type of policy you are adopting—the stand you are taking against domestic violence. Employers are held accountable to their employees and the public for their policy statement.

#### 2. PROCEDURES

Procedures describe the universal course of action needed to implement and support your policy. They are actions taken throughout the workplace, regardless of circumstance. Procedures focus on what is required of all employees to uphold the policy statement that your organization is accountable for. Examples of your procedures might include:

- + All common spaces are required to post a copy of the workplace domestic violence policy.
- + All phones in the building must be able dial 911.
- + All buildings must have security personnel who walk the perimeter of the building and offer escorts to the parking garage.

#### 3. GUIDELINES

Guidelines are recommended actions that support your policy, and are adaptable to specific situations. If an employee alerts her/his manager of a threat to the workplace, a certain response will be recommended based on the nature of that threat. For example, if a victim is receiving unwanted phone calls from her/his partner on the company phone, a guideline could recommend that the employee's phone calls are re-routed through the main desk.

Guidelines can help ensure a uniform, organization-wide response to individual situations. They limit guesswork when responding to domestic

violence incidents, and allow staff to follow a plan regardless of their personal feelings toward the employee or situation.

#### EXAMPLES OF POLICY GUIDELINES:

- + Identify which staff member is responsible for training employees on the domestic violence policy.
- + All staff should be trained on how to identify warning signs of violence in the workplace and how to respond appropriately.
- + The manager/supervisor role is to refer the employee to appropriate resources, NOT to diagnose or counsel.
- + Follow all applicable personnel policies and procedures, union contract provisions, and statutes if the employee needs to take time off for medical assistance, legal assistance, court appearances, counseling, relocation, or to make other necessary arrangements to enhance her or his safety. This approved leave should not be held against the employee.
- + If an employee requests to relocate to an alternate work station or work site for safety reasons, managers should work with human resources and union representatives (if applicable) to honor the request. If relocation is offered, it should not result in a reduction in pay, status, or benefits.
- + Review the safety of parking arrangements. If within the control of the employer, make sure that parking areas are well lit. As appropriate, provide security escorts to parked cars and priority parking near the building entrance for employees who fear an attack at work.

## TRAINING EMPLOYEES ON DOMESTIC VIOLENCE

Training employees on domestic violence is an important part of implementing a workplace domestic violence policy. Teaching staff about domestic violence will prepare them to respond appropriately to domestic violence in the workplace, and will also allow them to understand and support the policy more fully.

Domestic violence trainings can be led by a training coordinator, human resources staff, or other manager/supervisor leading the policy development. This type of training should take between 30 minutes and 1 hour to complete.

Every domestic violence training should include these important points:

1. Acknowledge that domestic violence can be an uncomfortable topic to discuss. Remind the audience they have permission to leave the room if the training becomes too difficult for them, and emphasize that you are available to talk or answer questions after the presentation.
2. Begin every training with the understanding that there may be victims in the audience, and use respectful language. For example, describing victims as “those people” can be demeaning and implies that domestic violence could never happen at your workplace. Instead, using words like “victims,” “survivors,” and “anyone” helps the audience understand that domestic violence could happen to any person in the room.
3. Give an overview of the training agenda so the audience knows what to expect. If you are showing a video, tell the audience when it will be shown during the presentation, so people can leave the room if they think watching will make them uncomfortable.

### TRAINING COMPONENTS

A basic “Domestic Violence 101” training should include:

- + Definition of domestic violence
  - Types of domestic violence behaviors
  - Why abusers choose their actions

- + Domestic violence and the workplace
  - Why the workplace can be a target for domestic violence
  - What domestic violence in the workplace looks like
- + Domestic violence policies
  - Why having a domestic violence policy is crucial
  - Workplace culture
    - How to create a workplace culture of tolerance and respect
    - Empowering employees to respond effectively to domestic violence

### FREQUENTLY ASKED QUESTIONS

**Question:** Why do victims stay with their abusers?

**Answer:** A better question to ask is, “Why does the abuser choose to abuse?” Leaving a domestic violence relationship is not just an act of walking away; it takes planning, resources, and support. A victim’s risk of getting killed increases significantly when they are in the process of leaving or have just left a relationship.

Abusers work hard to keep victims in relationships, and victims often stay because they are made to believe they cannot survive on their own, financially or otherwise. Abusers can make victims think that the abuse is their fault. Victims then believe that if they caused the violence, they can stop it. Many survivors just want the abuse to end, not the relationship.

**Question:** All abusers are mentally ill or addicted to drugs/alcohol or a certain ethnicity, right?

**Answer:** This type of question is usually based on the audience’s desire to separate or safeguard themselves from the subject of domestic violence. “If my partner does not have an addiction or mental illness, I am safe from domestic violence.” Or, “If all one ethnicity are abusers and I married a (different ethnicity), then I will not be a victim of domestic violence.” This type of thinking creates a false sense of safety and protection.

Domestic violence is a learned behavior. Mental illness, substance abuse, and violent environments intensify (not create) controlling behaviors. Most people with mental illness and substance abuse are not violent, controlling, or threatening.

### APPROACHING VICTIMS OF DOMESTIC VIOLENCE

#### WHAT SHOULD EMPLOYERS SAY TO A VICTIM OF DOMESTIC VIOLENCE?

*“Are you okay? Is there anything I can do?”*

These questions may seem too simple to ask a victim of domestic violence. But in fact, they can make all the difference.

Asking after an employee’s well-being is the single best question an employer can ask. The compassion, warmth, and concern behind the question are more important than the words themselves. Domestic violence is similar to any situation in which someone is looking for understanding, care, and options.

Employers don’t necessarily need to have the answers, just the willingness to help find resources, talk through options, make calls on their employee’s behalf (if necessary and agreed upon), and listen to the victim as they sort through new logistics.

#### ISN’T DOMESTIC VIOLENCE A PRIVATE MATTER?

Often, employers are reluctant to approach victims of domestic violence because they think domestic violence is a private family matter. Unfortunately, this is the perfect situation for abusers who rely on secrecy to abuse their victims. In addition, victims often experience shame and blame for what happens. Instead of

being neutral, employers can make a positive difference by being open to conversations, understanding that everyone makes their own decisions, and offering options.

Respecting an employee’s decision to stay in a relationship can be difficult because their choice may not be what we think is best. However, domestic violence is about power and control; when an employer acts as the “decider” or forces their employee to make a certain choice, it is no different than the relationship dynamic the victim is fleeing.

#### WHAT IF I SAY THE WRONG THING?

Employers might avoid talking to victims of domestic violence because they are afraid of saying the “wrong thing.” There is no “wrong thing” to say if there is genuine concern behind the comment. However, certain comments can make the victim feel s/he is to blame. The victim then goes back into the relationship with the understanding s/he deserves what is happening, and that reaching out for help at work isn’t worth the risk. Examples of these comments include:

- + This is your fault.
- + Why are you still in the relationship?
- + Why do you let this happen?
- + You must be doing something to have him/her react that way.
- + Oh, all (ethnicity) are like that; it’s part of their culture.
- + You must like the drama; you love the attention.

#### WHAT DOES A VICTIM RISK BY TALKING ABOUT THEIR RELATIONSHIP?

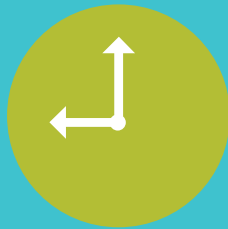
Abusers want secrecy so they can continue what they are doing. Secrecy also helps abusers to create an altered reality for the victim over time. An abuser might convince their victim that

**Domestic violence victims are cautious about who they open up to. They often ask themselves:**

**Does this person know anyone in my family? Will they tell someone? Will they think I am crazy or deserve this?**

**Or, is this person just curious and wants a good story?**

INTIMATE PARTNER VIOLENCE COSTS \$8.3 BILLION EACH YEAR  
 MENTAL HEALTH SERVICES COSTS MEDICAL & LOST PRODUCTIVITY COSTS ALONE



THAT'S APPROXIMATELY

\$33.2 MILLION EACH WORKING DAY



“this is how relationships are” by saying, “If you were a good wife or girlfriend, I wouldn’t have to do this. No one loves you as much as I do. I am helping you be a better person by pointing out what’s wrong with you.” Victims who don’t feel comfortable confiding in someone miss the opportunity for a “reality check” from an outsider that the relationship is unhealthy. Remember, this reality shift happens over time; not days or hours, but months and years.

**To a victim, coming forward can mean:**

- + Betraying the trust of the abusive partner
- + Potentially triggering threats the partner has made to hurt or kill family, friends, or pets
- + Permanently changing how they are viewed by work colleagues (from “our co-worker Mary” to “victim Mary”)
- + Admitting to needing help
- + Opening the door to many personal and uncomfortable details of their private life

To learn more about interacting with employees who are victims of domestic violence, read *How to Respond to Employees Facing Domestic Violence: A Workplace Handbook for Managers, Supervisors, and Co-Workers*, included with this kit.

**ASSESSING THREATS IN THE WORKPLACE**

Threats are one type of domestic violence behavior that might affect your workplace. Learning how to assess the validity of a threat—or the likelihood the threat will actually be carried out—will help you determine the most effective way to implement safety procedures in your workplace.

**WHAT CONSTITUTES A THREAT?**

A threat is any intent to cause harm against a person or group, or to damage property. Threats used in domestic violence situations can be written (a note, text, email, or letter), gestured (such as using an extended finger to indicate shooting or slicing) or spoken. Threats can be:

- + Direct (“I’m going to hurt you.”)
- + Indirect or veiled (“I understand why people shoot their doctor.”)
- + Conditional (“I will beat you up if you aren’t home by 6 p.m.”)
- + Inappropriate conduct (the abuser is seen loitering outside the office, or is asking personal or inappropriate questions of staff)

Other types of threats include:

- + Threats of physical violence to the victim
- + Threats of physical violence to the victim's family, pets, friends, or co-workers
- + Threats of force (such as pointing a gun or waving a knife at the victim, driving a car toward the standing victim, or picking up a bullet and saying to the victim, "This is meant for you.")
- + Threats to destroy property (such as threatening to set fire to the house, car, or children's toys)
- + Emotional threats (such as threatening to "disappear" with the children, or threatening to report the victim to Social Services as an unfit parent)
- + Threats of self-harm (such as saying, "I am going to cut myself," or "I am going to kill myself.")
- + Threats against the workplace (such as threatening to hurt a co-worker or manager, threatening to tell co-workers or managers about the victim's private information, threatening to email the company embarrassing photos, threatening to destroy workplace property)

### ASSESSING THREATS

All reports of threatening or violent conduct should be taken seriously and evaluated by management. Every threat needs to be treated as an individual statement. Each threat will likely require a different safety response.

Threat assessment is a process used to determine the credibility and seriousness of a threat—and the likelihood that it will be carried out by an abuser. According to the FBI, threat assessments can help determine the exact nature and context of the threat, the identified target, the threatener's apparent motivation, the threatener's ability to carry out the threat, and the threatener's background (including work history, criminal record, mental health history, military history, and past behavior on the job).

When assessing threats, the victim can provide insight into the abuser's typical behavior and can provide substantial information about the seriousness of the threat. Credible, current, and

relevant information is needed to evaluate the risk. It is important that employers do not judge information given by the victim.

### Motivation

Understanding the motivation behind a threat gives more information on why someone would make a threat in the first place. Are they feeling frustration, anger, revenge, love, hate, or desire for attention? Is this a warning, a reaction to another event, an attempt to assert power and control, or a desire to terrorize, punish, or test authority?

### Description of threat

How precise was the language or wording used in the threat? The more precise a threat is, the higher its risk. A precise threat indicates premeditated planning. If a threat sounds vague and more like wishful thinking, it becomes a lower threat. For example:

*High risk threat:* "The next time she walks in here, I'm grabbing the gun behind the counter to take her out."

*Lower risk threat:* "I wish she was gone."

### Domestic violence relationship

Certain circumstances within the relationship can put a victim at high risk of violence. For example, if the victim has just left or is planning to leave the relationship, is in a child custody dispute, is involved in another intimate relationship, or is perceived to be by the threatening partner or if the suspected romantic partner is a co-worker or supervisor, the victim is at higher risk than usual.

Other high-risk circumstances include when the threatner/partner:

- + is going through major life changes, such as job loss, separation, or depression.
- + has access to weapons.
- + has threatened to harm or kill the victim, children, pets, or co-workers.
- + has hit or choked the victim.
- + has access to the victim or to the victim's children.
- + has threatened to commit suicide.

## THREAT CHECKLIST

After assessing the different components of the threat, employers can then categorize the threat as being low risk, medium risk, or high risk. The level of risk will help determine the best way to implement safety procedures in the workplace.

### Low Level of Threat

- + The threat poses a minimal risk to the victim and public safety.
- + The threat is vague and indirect.
- + The information is inconsistent, implausible, or lacks detail.
- + The threat is unrealistic.
- + The content or description of the threat suggests the abuser is unlikely to carry out the threat.

### Medium Level of Threat

- + The threat could be carried out, even though it may not appear to be entirely realistic.
- + The threat is more direct and concrete than a low level threat.
- + The wording suggests the individual has given some thought to how the act will be carried out.
- + The threat includes a general indication of place and time, but not a detailed plan.
- + There is no strong indication that the individual has taken preparatory steps.
- + Statements such as “I’m serious!” or “I really mean this!” seek to convey that the threat is not empty.

### High Level of Threat

- + The threat is direct, specific, and plausible.
- + The threat appears to pose imminent and serious danger to the safety of others.
- + The threat suggests that concrete steps have been taken, such as stalking or acquisition of a weapon.
- + This type of threat almost always requires bringing in law enforcement.

## IMPLEMENTING SAFETY PROCEDURES

Employers will need to work with both internal staff and first responders in the community to design and assess a coordinated safety plan. The safety plan will likely include police, security personnel, management, employees, and other community members. In the event of a workplace domestic violence incident, these procedures will let people know who needs to be responding and when. They also provide important logistical information, and inform what employees can do to keep themselves safe.

Every safety plan should have three distinct phases—immediate response, post-event, and assessment. Remember that safety procedures are individual to each workplace and are based on the size, location, and type of work being conducted in the building.

### IMMEDIATE RESPONSE

When an act of domestic violence occurs in the workplace, it becomes workplace violence and normal emergency procedures should apply. Employees should call 911 and/or any existing security services that are equipped or trained to intervene with actual violence. This phase includes activating your organization’s unique safety plan and notifying those who need to respond. To develop your organization’s immediate response plan, you might ask the following questions:

- + Does the front desk have an alarm button?
- + Where are all of the doors in/out of the building? Are they secured? Can they be?
- + Where is the safest place for employees to go in the event of an emergency? How would they exit the building? Once they have exited, do they have a designated meeting location?
- + How would you know who was in the building on any particular day or time? Do employees or visitors need to swipe a card to enter?
- + What should employees do if they hear something suspicious?



### POST EVENT

Security personnel or a designated employee should continue to monitor the situation for a period of time to determine if there is any escalation or resolution. A reasonable period of time may be one to three months. The decision to continue beyond that initial period will be based on both the victim's and the employer's ongoing assessment of the threat.

### ASSESSMENT PERIOD

Following the event, employers and their team should review the safety procedures and assess what worked or didn't work during the incident. The safety plan should be updated as needed, and changes must be communicated to staff.

## GENERATING AWARENESS IN THE WORKPLACE

Think about pictures, images, brochures, or videos of domestic violence that you've seen in the past. You might agree that images of domestic violence usually fall into two categories: distressed and injured women or destroyed property (such as broken glass or punched walls). This type of imagery evokes strong emotions, but also perpetuates the idea that domestic violence is a scary and untouchable subject.

These types of images are not appropriate for the workplace. Domestic violence in the workplace does not necessarily involve destroyed furniture or property, and a depressed and/or sad worker could be explained by something other than domestic violence.

### Feedback from staff on domestic violence posters:

- + "Need to be eye-catching and bright"
- + "Use current case examples from the news"
- + "Ever-changing; a poster loses effectiveness if it's been up too long"

### HOW DO I BUILD THE RIGHT TYPE OF AWARENESS IN MY WORKPLACE?

A good way to build awareness about domestic violence is by using bright colors, inviting text, and factual, respectful language on materials. Domestic violence is a difficult topic for many employees to understand and respond to appropriately. Posters or other promotional materials that help make the topic more inviting to talk or read about are important.

### OCTOBER DOMESTIC VIOLENCE AWARENESS MONTH

**One workplace allowed staff to wear jeans the first Friday in October if they contributed \$5 to a donation jar for the local domestic violence shelter.**

### Other suggestions:

- + Employers might consider inviting a speaker to talk about domestic violence at a "brown bag lunch" discussion. Employers can raise funds, have a bake sale or food competition, or collect clothes/toy donations for a local shelter.
- + Research shows that employees want to talk about this subject in small groups, and informal gatherings are best. Small group discussions allow people to comfortably ask the questions they have about domestic violence. Online information and posters are other preferred channels of discussion, followed by large staff meetings.
- + Employers can also try using media examples or pop culture references, which help start the conversation without putting anyone on the spot. A universal news story allows the group to add variations and "what ifs" to the scenario, inviting broad discussion.
- + Find ways to incorporate domestic violence trainings into other pre-scheduled trainings. For example, piggyback on leadership trainings, communication seminars, management



trainings, team building exercises—these trainings all focus on respectful, effective communication skills.

As an employer, it is your responsibility to make domestic violence a regular and visible topic in the workplace, so it doesn't feel taboo or shocking to your employees when it does come up in conversation. You can help take the sensationalism out of domestic violence by generating the right type of awareness in your workplace.

## THE ROLE OF THE UNION

Unions work to protect the well-being of the workers they represent. Health, safety, and job security are all union issues.

Domestic violence fits into the agenda of unions as a health and safety issue and a workplace issue. Unions play a unique role in domestic violence situations because they can help members stay safe both on the job and at home. They can help reduce the risk of violence for workers while maintaining victims' jobs—a key to economic self-sufficiency. When a member is experiencing domestic violence, the union can

also ensure that the victim understands and can access the services, information, and protections available to them.

Unions may also be required to offer assistance to employee perpetrators under the legal Duty of Fair Representation.

When responding to union members who are perpetrators, employers should keep the following in mind:

- + Victim safety is crucial. If a perpetrator discovers the victim has told their employer they are experiencing domestic violence, the victim may face retaliation at or outside work. Union leadership will try to use neutral forms of information gathering—such as observing behavior by others or reading police/workplace security reports—as much as possible.
- + There may be situations where union leadership needs to share information with the police or the employer to keep a victim safe.

To learn more about the role of unions in responding to domestic violence, visit: [www.afscme.org/news-publications/publications/for-leaders/pdf/Domestic\\_Violence\\_What\\_Unions\\_Can\\_Do.pdf](http://www.afscme.org/news-publications/publications/for-leaders/pdf/Domestic_Violence_What_Unions_Can_Do.pdf)

# LEGAL ISSUES

## RESPONSIBILITY AND LIABILITY

When an employee is experiencing domestic violence, there are several types of legal issues that are important for employers to know. Having a better understanding of restraining orders and other laws surrounding domestic violence can help you maintain a safe workplace and offer greater support to employees in need.

### RESTRAINING/PROTECTION ORDER

A restraining or protection order can be issued by a court to limit the behavior of someone who harms or threatens to harm another person. An order can be issued by a civil or criminal court and include certain restrictions for the perpetrator, such as “stay-away” provisions.

If an employee is seeking a protective order, they may need to miss work for the day to obtain and/or enforce the order. Cases are also often delayed or rescheduled, requiring multiple trips to court. Court hours (typically 8:30 a.m. to 4:30 p.m.) often overlap with work hours. For many victims, seeking protection during these hours is crucial. Employers should be flexible with scheduling if possible.

Victims can ask for multiple provisions in the restraining order, and a judge will decide which to approve based on the facts of the case. For example, the perpetrator might be ordered to:

- + Stay away from the victim and the victim’s children
- + Stay away from the victim’s residence, workplace, school, or day care (victim must specifically request these places)
- + Stop threatening or hurting the victim
- + Stop contacting the victim
- + Move out of the victim’s house (if they lived together) and not return
- + Pick up personal belongings with a police escort
- + Pay temporary support for the victim and the couple’s child(ren)
- + Pay for any losses the victim suffered as a direct result of the abuse, such as lost wages, medical bills, broken locks, changing locks, or personal property
- + Not spend money in a bank account, unless that money is necessary for the perpetrator to survive
- + Surrender any and all firearms to the police
- + Award the victim temporary custody of children
- + Give the victim possession, care, and control of any animal owned or kept by the victim, the abuser, or a child living in the victim’s household
- + If the judge orders visitation with the abuser,
  - Ordering supervised exchange of the child
  - Ordering supervised visitation with the child

If you know that an employee has a restraining order in place and it includes the workplace, it is important to have a copy of the restraining order on file. The victim's employer will need to verify that the workplace is included in an order to expedite a police response.

If you realize an employee is in a domestic violence situation for the first time after seeing

the restraining order, ask the employee how you can be of assistance and offer ways that the workplace can be supportive. Try asking, "Do you need to change desks? Do you need an escort to your car? Do you need to record your voicemail in a different voice? Do you need to change your schedule?" Listen and respect the employee's choices.

#### MORE DETAILS ABOUT RESTRAINING ORDERS

A criminal court order of protection may only be issued against a person who has been charged with a crime, and it is the prosecutor who files the complaint ("State vs. the perpetrator"). In criminal court, the victim is considered a witness to the case and has little to no say in the prosecution.

A civil restraining order is issued when one individual asks the court to protect them from another individual. A victim can drop their case at any time in civil court.

If an employee is seeking a civil protective order, a minimum of two court appearances are required. The first is to fill out paperwork and put in a request to the judge. An employee can go to court at any time during court hours (typically 8:30 a.m. to 4:30 p.m.) but may have to wait anywhere from a few minutes to several hours to see the judge, depending on the schedule of the courtroom.

A temporary emergency restraining order may be obtained on that first visit, but it is provisional and is typically only effective for 10 to 14 days. During that time, the perpetrator will be served with the paperwork. The temporary emergency order is effective as soon as it is signed by a judge, but cannot be enforced until the perpetrator has been served with the paperwork. Someone cannot be in violation of an order if s/he didn't know about it.

This paperwork will also include a return court date, at which both parties need to be present. On this date, each party will have an opportunity to talk to the judge. The judge will then make the final decision.

Often, perpetrators will not show up or ask for the case to be postponed, in hopes that the missed days at work will get their victim fired or eventually wear them down to drop the case.

## EMPLOYER RESPONSIBILITY AND LIABILITY

Employers have a responsibility to protect employees against violent acts, and risk liability from negligence if violence does occur at their workplace. Few employers have policies or practices in place specifically addressing domestic violence at work. You can help prevent workplace violence by establishing policies to identify potentially dangerous behaviors and violence response procedures.

## DOMESTIC AND SEXUAL VIOLENCE EMPLOYMENT RIGHTS LAWS

The following states have passed Domestic and Sexual Violence Employment Rights Laws: CA, CO, CT, FL, HI, IL, KS, ME, NM, NY, NC, OR, RI, WA, as well as the cities of Philadelphia and Washington, D.C. The laws differ by state, but most require that employers cannot discriminate against employees who disclose they are at risk of violence, and that employers will provide some level of protection to employees who need time off from work to attend court or medical appointments. In Massachusetts, as of this writing, MA Bill 918 has passed in the Senate and is pending in the House. This bill establishes employment leave and safety remedies to victims of domestic violence, stalking, and sexual assault. Many other states have similar legislative bills pending, and some states encourage, without requiring, employers to offer such protections. Some states also cover the issue under general crime victim protection laws.

## FAMILY AND MEDICAL LEAVE ACT (FMLA)

This federal law allows certain employees to take unpaid time off from work to treat a serious health condition, including physical or mental conditions related to domestic violence, sexual assault, and stalking. It is important to check whether your state has its own Family and Medical Leave law and if so, how it is different from the federal FMLA. Some states allow employees to take time off to find safe housing, receive counseling, or meet other needs.

## OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 (OSHA)

This federal law requires employers to provide a workplace that is free from “recognized hazards” that are causing or are likely to cause death or serious physical harm to its employees. If a co-worker or supervisor injures an employee, the employer may be liable for its negligence in hiring the perpetrator, for continuing to employ this person after it became aware of a problem, or for failing to adequately supervise this person. The injured employee may also be eligible to receive Workers’ Compensation. At this time it is unclear whether OSHA would issue a citation for domestic violence in which an employer failed to prevent injuries at work caused by a non-employee; however, employers are not exempt from reporting workplace injuries due to assaults by family members or ex-spouses. Many states also have state occupational health and safety laws that may apply.

## SEX DISCRIMINATION AND SEXUAL HARASSMENT LAWS

According to Legal Momentum, a national legal defense and education fund, sex discrimination laws require that employers treat male and female employees the same. Sexual harassment at work is also a form of sex discrimination. Employers may be violating sex discrimination laws if they permit domestic violence, sexual assault, or sexual harassment to occur in the workplace or if it treats abused women differently from male employees.

*To learn more about protection orders, see Workplaces Respond to Domestic and Sexual Violence in the resources section of this guide.*

*For more information on state and federal laws, see Legal Momentum in the Resources section of this guide. You can also consult a local attorney.*

# DOMESTIC VIOLENCE RESOURCES

## NATIONAL

### **Corporate Alliance to End Partner Violence**

309-664-0667  
[www.caepv.org](http://www.caepv.org)

### **Gay Men's Domestic Violence Project**

1-800-832-1901  
[gmdvp.org](http://gmdvp.org)  
Hotline for gay, bisexual, or transgender victims and survivors.

### **Legal Momentum: The Women's Legal Defense and Education Fund**

[www.legalmomentum.org/our-work/women-at-work/victims-of-violence-and-employment.html](http://www.legalmomentum.org/our-work/women-at-work/victims-of-violence-and-employment.html)

### **National Coalition of Anti-Violence Programs**

212-714-1184  
[www.ncavp.org](http://www.ncavp.org)  
Information for lesbian, gay, bisexual, transgender, and HIV-affected communities.

### **National Domestic Violence Hotline**

1-800-799-SAFE (7233)  
TTY 1-800-787-3224  
Information and referrals for victims of domestic violence, perpetrators, and their friends and families. The hotline is available 24 hours a day in more than 170 different languages through interpreter services.

### **Workplaces Respond to Domestic and Sexual Violence: A National Resource Center**

[www.workplacesrespond.org](http://www.workplacesrespond.org)

*To find resources in your community, contact your domestic violence state coalition: [www.thehotline.org/get-help/help-in-your-area/](http://www.thehotline.org/get-help/help-in-your-area/)*

## LOCAL (CAMBRIDGE, MA)

### **Cambridge Police, Domestic Violence Unit**

617-349-3371

### **Cambridge Public Health Department, Violence Prevention Coordinator**

617-665-3816

### **Employers Against Domestic Violence**

508-894-6322  
[employersagainstdomesticviolence.org](http://employersagainstdomesticviolence.org)  
A proactive collaboration of Massachusetts-based businesses that consider domestic violence a serious workplace issue and recognize the need to respond to it.

### **Employee Assistance Program (EAP)**

1-800-828-6025  
For City of Cambridge managers and supervisors.

### **Network/La Red**

617-742-4911  
[tnlr.org](http://tnlr.org)  
Hotline and services for lesbian, bisexual, or transgender victims and survivors. Available in English or Spanish.

### **SAFELINK**

1-877-785-2020  
Massachusetts statewide 24-hour live response hotline for emergency shelter, counseling, safety planning, and resources.

### **Transition House**

617-661-7203  
[www.transitionhouse.org](http://www.transitionhouse.org)  
Cambridge 24-hour crisis line, emergency shelter, education and outreach.

## LOCAL RESOURCES FOR PERPETRATORS (CAMBRIDGE, MA)

### **Common Purpose: Working to Stop Violence and Abuse**

617-522-6500  
[www.commonpurpose.com](http://www.commonpurpose.com)

### **Emerge: Counseling and Education to Stop Domestic Violence**

617-547-9879  
[www.emergedv.com](http://www.emergedv.com)

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