Protecting Victims of Domestic Violence at Work

Section 1 **Impact Statistics**

Why Is It Your Business? Research on the impact of domestic violence on business expenses, workplace security and employee job performance.

Section 2 **Model Policy**

This is an example of a policy that can be adapted and edited to fit an individual organization's personnel policy manual.

Section 3 **Implementation Plan**

This section provides step by step instructions on how to develop a domestic violence in the workplace program and includes procedures for management of specific incidents.

Section 4 **Frequently Asked Questions**

Section 5 **Resources for More Information**

Section 6 **Victim Support Measures Checklist**

A quick reference list of support measures that management can make available to victimized employees.

Section 7 **Implementing Security Checklist**

A quick reference list of security measures that management can implement to help protect targeted employees.

Section 8 **What Can A Company Do?**

The information presented here is not legal advice;
it is presented for general educational purposes.
Consultation with qualified legal counsel is strongly recommended.

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Section 1: Impact Statistics

Why Is It Your Business?

Violence At Work

In North Carolina, from 1977 to 1991, 75% of the women killed on the job (non-robbery related) were murdered by a former intimate partner. *(Killed on the Clock, American Journal of Industrial Medicine* 37:629-636 2000)

Nationally from 1992-1995, 126 murders were committed in the workplace by a domestic partner (Bureau of Labor Statistics, Dept of Justice, Domestic Violence survey, as published by the Charlotte Observer, April 22, p. 3C)

Nationally, homicide is the second leading cause of death for women on the job with 20% of those were murdered by their partner. U.S. Dept. of Labor, Bureau of Labor Statistics. (2000). Census of Fatal Occupational Injuries: Table A-6 Fatal occupational injuries by worker characteristics and event or exposure, 2000.

In 1994 it was estimated that nationally, there were 13,000 acts of violence against women at work each year by their partners. (*Violence and Theft in the Workplace,* U.S. DOJ, July, 1994*)*

Another national survey estimated there were 50,000 incidents of domestic violence committed in the workplace annually. *(Bureau of Labor Statistics, Dept of Justice, Domestic Violence survey,* Charlotte Observer, April 22, 1999, p. 3C*)*

Sixty-one percent (61%) of women experience violence in the workplace from 2000-2005. *Safe at Work? Women's Experience of Violence in the Workplace*; Office of Women's Policy; Victorian, Australia; September, 2005.

Effect On Job Performance

Ninety-six percent (96%) of employed domestic violence victims experience some type of work-related problem due to the violence. (Stanley, Connie. *Domestic Violence: An Occupational Impact Study.* 1992.)

Nationally, between 35% and 56% of employed battered women were harassed at work by their abusers; 55% to 85% missed work because of domestic violence; and 24% to 52% lost their jobs as a result of the abuse. (*U. S. Gen. Accounting Office, Domestic Violence: Prevalence and Implications for Employment Among Welfare Recipients 19 (GAO report to Congressional Committees Nov. 1998)*

In 1995, the following types of non-fatal, intimate partner violence resulted in the following national average number of work days lost/total for the year: Stalking- 10.1/1,795,073; Rape- 8.1/561,160; Physical Assault- 7.2/5,608,015;. Total number of work days lost- 7,964,264. (*Costs of Intimate Partner Violence Against Women in the United States*; National Center for Injury Prevention and Control, CDC; March 2003)

Thirty-seven percent (37%) of women involved in partner violence have felt its effects on the workplace-reflected in lateness, missed work, difficulty keeping a job, and difficulty advancing in their careers. (Results of EDK National Telephone Poll, September 1997)

Abusive husbands and partners harassed 74% of battered women at work. Domestic violence caused 56% of them to be late for work at least five times a month, 28% to leave early at least five days a month, and 54% to miss at least three full days of work a month. (*Report on Costs of Domestic Violence,* Victim Services of New York, 1987)

Ninety-six percent (96 %) of domestic violence victims (6.2 million annually) say their work/performance on the job is affected (Bureau of Labor Statistics, Dept of Justice, Domestic Violence survey, as published by the Charlotte Observer, April 22, 1999, p. 3C)

Nearly 80% of victims of violence arrive late to work; 98% of victims' ability to concentrate is negatively affected while on the job; nearly 80% of the women said their abuser came to their workplace; 13% said they were assaulted while at work; Six out of 10 women surveyed said they lost or quit a job as a result of domestic violence (*Domestic Violence Survivors at Work; How Abusers Impact Employment*; Maine DOL and Family Crisis Services 2004 Study.) – wording unclear

Three percent (3%) of employed men and 23% of employed women report some work performance impact as a consequence of IPV at least once in their lives. (*Spokane County Domestic Violence Consortium,* August 2005.)

Fifty-one percent (51%) of employed female IPV victims and 35% of employed male IPV victims report some level of IPV work disruption. *(Spokane County Domestic Violence Consortium,* August 2005.)

Employee Reporting and Concerns

Three percent (3%) of employed men and 8% of employed women have experience IPV victimization in the past 12 months. (*Spokane County Domestic Violence Consortium,* August 2005.)

In nearly 20% of IPV workplace incidents, victims report that their co-workers and/or supervisors were directly threatened or harassed as part of the IPV. *(Spokane County Domestic Violence Consortium,* August 2005.)

Nineteen percent (19%) of employed men and 32% of employed women report that the IPV victimization of a co-worker has directly affected them at some time. *(Spokane County Domestic Violence Consortium,* August 2005.)
Only 59% of women reported incidents to their employers. (*Safe at Work? Women's Experience of Violence in the Workplace*; Office of Women's Policy. Victorian, Australia. September, 2005.)

Impact of Abusers on Employers

- Seventy-eight percent (78%) of offenders used workplace resources at least once to express remorse or anger, check up on, pressure, or threaten the victim.
- Seventy-three percent (73%) of supervisors were aware of the domestic abuse offender's arrest, but only 15% reminded the employee that domestic abuse is a crime.
- Seventy-four percent (74%) of offenders had access to their intimate partner's workplace, with 21% reporting they contacted her at the workplace in violation of a no contact order.
- Seventy percent (70%) of domestic abuse offenders lost 15,221 hours of work time due to their domestic abuse arrests, costing approximately $200,000. – time lost over what period ?
- Sixt-eight percent (68%) of offenders said that domestic abuse posters and brochures in the workplace would help prevent domestic abuse from impacting the business.
- Forty-eight percent (48%) of offenders had difficulty concentrating at work, with 19% of offenders reporting a workplace accident or near miss from inattentiveness due to pre-occupation with their relationship.
- Forty-two percent (42%) of offenders were late to work.

(*Impact of Domestic Offenders on Occupational Safety & Health;* Maine DOL and Family Crisis Services 2004 Study)

One in five employees report that they have known a co-worker who perpetrated IPV on work time. In the past 12 months, 3% of men and 5% of women knew of a co-worker who was an IPV abuser while at work. (Spokane County Domestic Violence Consortium, August 2005.)

A pioneer study in Boston found that employee abusers commit stalking, harassment and assault while on the job; use company resources such as cars, phone and computers to stalk and harass victims; use co-workers and clients to follow up on victim; miss work due to jail, court and behavior. *Employers Against Domestic Violence, Mass*

Fourteen percent t(14%) admitted to engaging in abusive behavior while at work, including calling victim's boss to complain/lie about the victim. (NC Domestic Violence Commission, 2003.)

Twenty-eight percent (28%) have worked with their victims; Employers, if they did know about it, did not take any steps to address it. (NC Domestic Violence Commission, 2003.)

Impact On the Bottom Line

Nationally, businesses lose $37 billion in costs associated with interpersonal violence, including: $33 billion from lost productivity, with the remaining $4 billion spent on medical care. *(Corso PS, Mercy JA, Simon TR, Finkelstein EA, & Miller TR. Medical Costs and Productivity Losses Due to Interpersonal Violence and Self- Directed Violence. American Journal of Preventive Medicine, 2007: 32(6): 474-482.)*
Businesses lose an estimated $727.8 million in productivity with over 7.9 million paid workdays lost annually because of intimate partner violence. (U.S. Dept. of Health and Human Services, National Center for Injury Prevention and Control. March, 2003. *Costs of Intimate Partner Violence Against Women in the United States.* Atlanta, GA: Centers for Disease Control and Prevention.)

Businesses forfeit an additional $100 million a year in lost wages, sick leave, absenteeism, and non-productivity. *(Domestic Violence for Health Care Providers,* 3rd Edition, Colorado Violence Coalition, 1991.)

Employers are aware of this economic burden: 44 % of executives surveyed say that that domestic violence increases their health care costs. (Roper Starch Worldwide study for Liz Claiborne, Inc., 1994.)

Recognition By Business Leaders

Half of employers with 1,000 or more employees in the United States had an incident of workplace violence within a 12 month period. (Bureau of Labor Statistics reported in *The Survey of Workplace Violence Prevention*, October 2006)
Over 70 percent of United States workplaces have no formal program or policy that addresses workplace violence. (Bureau of Labor Statistics reported in *The Survey of Workplace Violence Prevention*, October 2006)
9 in 10 senior executives (91%) believe that domestic violence affects both the private lives and the working lives of their employees. *(Corporate Leader study by Liz Claiborne, Inc. 2002)*

Seventy-eight percent (78%) of human resource professionals consider partner violence a workplace issue. (*Personnel Journal,* April 1995: 64*)*

Ninety-four percent (94%) of corporate security directors rank partner violence as a high security problem. (*Personnel Journal*, April 1995: 64)

A survey of Employee Assistance Professionals showed how they frequently dealt with the issue of partner abuse in the past year, including helping an employee obtain a restraining order (83%) or an employee being stalked at work by a current or former partner (71%). (Harvard University School of Public Health, 1997:30)

Section 2: Model Policy

Purpose

As domestic violence is a serious threat to the safety and security of our workforce, (*Company*) is dedicated to increasing awareness of this issue by offering support to victims of abuse and holding abusers accountable for their actions. It is the intention of this policy to promote a healthy, safe environment where all employees are encouraged to report concerns regarding safety, seek assistance when necessary and help foster a respectful and understanding environment.

This policy does not obligate (Company) to address any reports or allegations in any particular manner.

Scope

This policy applies to any persons hired by (Company) including employees, temporary support, vendors and/or contracted individuals. The other party in the abusive relationship, whether that is the victim or abuser, does not need to have any relation with (Company) for the policy to apply.

Definitions

Domestic Violence*:* A pattern of behavior meant to threaten, harass and coerce the victim in order to establish and maintain control and dominance. Along with physical trauma, it may include emotional, psychological, sexual and financial abuse.. Domestic violence may occur between current or former intimate partners, heterosexual or same sex couples, either married, living together or separately. Domestic violence also occurs between parent and child, sibling or other family relations.

Domestic violence may include but is not limited to the following:

1. Physical violence
2. Sexual assault or rape
3. Threats
4. Intimidation
5. Harassment, by any communication means
6. Stalking
7. Damage to property

Victim or Survivor: The victim is the person who is the target of the abuse. This may be someone who is still in the relationship, trying to leave or has left the abuser. While the vast majority of victims are women, men can also be victims of abuse and deserve consideration in the development and implementation of support and protections. Domestic violence may occur to anyone with no distinction made in regards to race, age, culture, ethnicity, religion, economic or educational status.

Abuser, Batterer, Perpetrator: The person who commits acts of domestic violence against the victim or survivor.

Domestic violence service provider: A community agency that offers services to victims of abuse, which may include a temporary safe house or shelter, counseling, support groups, court accompaniment and more. Many other community resources include law enforcement, legal assistance, social services and health care institutions.

Abuser Treatment Programs: Intervention programs with either voluntary, employer directed or court ordered participation designed to correct abusers' controlling behavior.

Prevention and Awareness

(Company) will provide training opportunities and have material available to increase awareness of domestic violence prevention. Company will explain to employees what assistance company will provide and what community resources are available.

Dissemination of this policy will be made to all employees through company memos, staff meetings and formal training programs. New employee will be introduced to the policy during the orientation process.

Reporting

If an employee is a victim of abuse, they are encouraged to seek support from the Employee Assistance Program (if available) and/or the local domestic violence service provider. Should the abuse adversely impact their job performance, the employee is encouraged to contact their supervisor, appropriate human resources personnel and/or appropriate service, such as, the employee assistance program.

Should any employee know of a co-worker who uses company resources or commits acts of domestic violence while engaged in company work, they should contact their supervisor or the appropriate human resources personnel.

If an employee believes that there may be a potential act of violence from any source, the employee shall inform their supervisor or appropriate human resources personnel at the earliest opportunity.

Anti-retaliation and Confidentiality Clause

There shall be no retaliation against an employee who makes a good faith report of a violation of this policy. There shall be no retaliation for the disclosure of an employee of any personal domestic violence case. (Company) will not discriminate against an employee solely on their role as a victim of abuse. Every effort will be made to protect the safety and anonymity of anyone who comes forward with concerns. Law enforcement and other administrative parities may share information on only a 'need to know' basis.

Prohibited Actions and Sanctions

Acts of domestic violence perpetrated by employees within the workplace will not be tolerated and violators will face disciplinary actions, including possible dismissal.

The prohibited actions include: employee using company resources, equipment, communications devices or vehicles to commit acts of domestic violence or engaging in such behavior while conducting company business, regardless of the location.

An employee's off-duty conduct may be grounds for disciplinary actions, including possible dismissal. The relevance of an employee's off-duty conduct depends on the nature of the offence and it's potential impact on the company and the employee's ability to fulfill his work duties. A judgment in a court of law may provide the evidence to substantiate allegations of any domestic violence acts.

Participation with the Employee Assistance Program referral and completion of their recommendations, such as completion of an Abuser Treatment Program, may be a requirement for job retention.

Support and Protections

An employee will not be disciplined or discriminated against solely on the basis of their role as a victim of domestic violence.

(Company) recognizes a victim's right to self-determination. A victim will be allowed to direct the course of action that affects her life with no pressure or coercion from management. (Company)'s primary goal is the safety of the employee and the workplace. As such, it will not mandate a victim to leave the abuser, although this action will be supported, as much as reasonably possible.

When an employee has been identified as a victim of abuse, either through self-disclosure or through a supervisory meeting, the employee may be referred to an Employee Assistance Program and/or a community based domestic violence service provider. Pamphlet and contact information to such programs will be made available to all employees.

The Employee Assistance Program can be reached at xxx-xxxx.
The local domestic violence service provider is ( ) and their contact number is (xxx-xxxx).
The statewide coalition number is (xxx) xxx-xxxx.
The national, 24 hour, toll free referral number is (800) 799-SAFE.

As victims may need time off to tend to counseling, legal and medical appointment, management will work with the victim to arrange their schedule.

Options to consider are:

1. Flex scheduling
2. Sick leave
3. Shared time
4. Compensatory time
5. Vacations leave
6. Leave without pay

Management is mindful that these cases may require extended periods of time to resolve and may consider options to allow for longer absences.

Additional support for the victim can be offered by expediting any changes to benefits to reflect the personal transitions. This includes but is not limited to, wage deposits, retirement benefits, health insurance coverage and contact information.

While management reserves the right to address any work production issues, the impact of domestic violence in performance evaluations will be considered. (Company) realizes that surviving and recovering from an abusive relationship is a lengthy and difficult process.

Once a threat to the workplace has been identified, management may take measures to assess the risk and implement appropriate measures to reduce the likelihood of any possible violence committed against the victim, co-workers and the workplace as a whole.

Safety for all employees is the primary goal of (Company) and will be the basis of any management decisions regarding the case.

Any and all actions taken will be at the sole discretion of management with no obligation to offer any specific supportive actions for any particular employee.

Specific Roles and Responsibilities

Employees

All employees shall participate in a domestic violence in the workplace training. All employees are prohibited from committing any act of domestic violence, using company resources to commit such acts, either at the workplace or while conducting company business. Abusers are strongly encouraged and may be required to contact the Employee Assistance Program and/or participate in a abuser's treatment program.

Employees who are victims of domestic violence are encouraged to disclose to human resources or a supervisor if the abuser may pose a threat to the workplace. These employees are also encouraged to contact the Employee Assistance Program and/or local domestic violence service provider for support or if job performance is impacted.

Should there may be an identified threat to the workplace, employees shall notify a supervisor or human resources personnel at the earliest opportunity. In case of impending violence, law enforcement should be notified immediately and then a supervisor or other administrative personnel thereafter.

Supervisors

All supervisors must attend and participate in the domestic violence training provided by the human resources department. Supervisors will ensure that all employees are aware of and have access to the domestic violence policy.

If an employee discloses that they are victims of abuse, they shall be referred to the Employee Assistance Program and/or local domestic violence service provider.

If a supervisor is made aware of any threat to the workplace, they shall notify human resources immediately. Supervisor's documentation of incidents and their participation in any threat assessment and implementation of security measures is required for the safety of the workplace.

Human Resources

The human resources shall provide training programs appropriate to the level of responsibility for every employee.

This department shall develop and maintain an implementation plan for the effective management of an actual domestic violence case.

Human resources shall be able to offer the appropriate materials and have contact information for community resources that assist victims of domestic abuse.

Any changes to benefits such as wage deposits, health insurance coverage, retirement accounts can be offered and expedited to reflect the transition in the employee's relations and location.

Personnel contact information such as home location and phone numbers will be secured to ensure confidentiality and to prevent the abuser from discovering the victim's new residence or other personal information.

Security

Security must attend and participate in the domestic violence training provided by the human resources department.

In the event that it has been determined that there may be a threat to the workplace, security's participation in any threat assessment and in the implementation of security measures is required to help reduce the occurrence and severity of any violence.

Section 3: Implementation Plan

These guidelines provide suggestions and 'best practices' for the management of any organization to address the potential threat of domestic violence to the workplace and to assist employees who may be victims of domestic violence. These guidelines can be incorporated within a company's existing protocol. By no means, are these guidelines meant to provide specific directions in the intervention of a particular case, as every situation requires the individual consideration of all the environmental, organizational and personal variables. As each community will differ in services that are offered, it is suggested that companies become aware of what local domestic violence services are available. There is no guarantee that following the suggestions can absolutely prevent the occurrence of violence in the workplace as human behavior is inherently unpredictable. Sound management judgment and preparing for the worst and best case scenario are all vital keys to help maintain a safe and healthy workplace.

While statistic show that actual violence coming to the workplace remains relatively low, what is surprisingly alarming is the occurrence of domestic violence in our society, our communities and therefore, in the workforce. Employees who face abuse at home are not able to be the highly productive workers that employers intended to hire. An employee's potential work production can be negatively affected by the inability to concentrate, sick leave time taken to address both physical and emotional injuries, and the direct harassment employees encounter while working.. By providing support to victims of domestic abuse, businesses will assist the employees in their workplace and protect their bottom line.

It is important to remember that domestic violence strikes victims of every culture, race, age, gender, sexual orientation and level of employment and salary. While victims of abuse are overwhelmingly women, it is important to note that male victims of abuse deserve the same amount of consideration and support.

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A. Domestic Violence Definition

Domestic violence is a pattern of behavior meant to intimidate and control the victim. Along with possible physical abuse, there is the harassment and persecution that the victims suffer psychologically and emotionally. It is often the threat of violence alone that maintains the abusive control over the victim.

B. Symptoms and Signs of Possible Abuse Situations

Note: Rarely will employees come to management about the issue but its effects will be evident to supervisors or may be reported by peers. These following indications are examples of possible signs. Intuition and common sense are basic guides in assessing if an employee is being abused.

1. Physical indications:

    a. Unexplained bruises, scratches and handprints or repeated explanations that don't make sense.
    b. Injuries that leave no mark. Often abuser will strike areas where bruises can not be seen: torso, beneath hairline, and upper legs.
    c. There may be attempts to cover up such marks through excessive makeup, concealing clothing (i.e., long sleeves and turtle necks in warm weather) and sunglasses worn indoors.

2. Behavioral indications:

    a. Appears frightened of partner or ex-partner, may be easily startled.
    b. Uses health care services frequently.
    c. Signs of depression including low self-esteem, flat affect, tears or withdrawn.
    d. Talks about a "friend" who is being abused.
    e. Lack of financial resources.
    f. The urgent need to return home as soon as possible after work; reluctant to go out to lunch with co-workers or participate in after-work activities.
    g. Need to answer personal calls or return a page as quickly as possible

3. Job Performance Issues:

    a. Frequent tardiness and absenteeism,
    b. Requests to leave work early,
    c. Fluctuations in job performance, especially when there are periodic deficiencies with a quality employee,
    d. Lack of ability to concentrate and focus on tasks

4. Abuser's behavior:

    a. Frequent visits or calls from partner, especially when the employee appears visibly upset or anxious afterwards,
    b. Sabotaging the employee's efforts to maintain job through disrupting transportation, childcare and other arrangements.

C. Supervisor Support

1. Approach the employee sensitively.

   a. Find a quiet, private location and approach the employee at an appropriate time. For example, right after a violent incident, the victim may be looking for a way out of the abusive relationship and an opportune showing of concern and an offer of support may prompt the employee to take action.

   b. Do not assume or state that the employee is a victim of abuse. Rather, share with them your concerns about the possibility that they are abused or fearful of their partner. Inform the employee of specific observations, such as physical indications, identifiable behaviors, job performance changes and/or actual incidents that have occurred in the workplace. Many victims do not identify themselves as "victims of domestic violence" but will state that they are afraid of their partner or have been hit by them.

   c. If the employee denies that she is a victims of abuse, do not pursue the issue. Respect a person's boundaries and privacy. It will not be beneficial to pressure or invade a person's personal life. An honest and sincere inquiry will be appreciated and remembered if the employee desires to have assistance in the future. If there is job performance issue, use standard supervisor protocol to address concerns.

   d. Let the employee know that you are concerned. Emphasize that you are not trying to pry but that you just want to help. There are two very easy but big mistakes that are often made.

      i. First, it may be your first instinct to ask, "Why don't you just leave?"

         a.) Simply, leaving is much easier said than done. Victims will have thought of this option but there are many internal and external barriers to this action. For further understanding of these issues, consult with a community service provider or refer to the links page in this package. Remember that telling a victim of abuse that they should just leave places on the victim the blame for the situation.

         b.) Do not push them to take dangerous steps such as getting a restraining order, leaving or pressing charges if they are resistant to the idea.

            i.) A potentially lethal mistake is to encourage a victim of violence to leave or take action without proper support. If a victim is pressured into leaving when they are not personally ready, they will most likely return to the abuser.

            i.) More importantly, it is a deadly risk. The abuser may have said that they will kill the victim if they leave or call the police and the victim has every reason to believe it to be true. A woman's chance of being killed increases by 75% once she leaves the abuser.

2. Refer to a local domestic violence service provider or your EAP.

   a. National Hotline 1.800.799.SAFE (7233)

   b. It is advisable to contact and develop a relationship with your local agency. If your company has an Employee Assistance Program, this service should already have contacts with the community resources.

   c. For a victim to escape an abusive relationship as safely as possible, a trained and experienced professional in the domestic violence field can help them assess and develop a personal safety plan. These community agencies are free, confidential and have network links throughout the state and country.

d. Although the extent of services will vary, a local domestic violence service provider can offer or know where to find, a range of services, such as:

   i. A safe house or shelter in an undisclosed location can provide temporary, transitional housing. Most safe houses also house the victim's children.
   ii. Crisis counselors can assist in developing a safety plan, discuss the victim's situation professionally and offer other support.
   iii. A support group of survivors who can provide encouragement and validation through sharing their experiences.
   iv. Assistance with court proceedings, including guidance in obtaining a restraining order. While this is not legal counsel, an agency may assist the victim in finding an attorney for no cost or a minimal fee through a non-profit legal assistance program.

D. Management and Organizational Support

1. Adjust the employee's schedule and workload to allow for court appointments, medical visits, counseling sessions and managing transition. Options to consider are:

   a. Vacation or Personal Time
   b. Sick Leave Time
   c. Flex Scheduling
   d. Leave Without Pay

2. Expedite changes to benefits and contact information.

   a. Advise and assist the employee to make changes to reflect their transition.
   b. Items to consider changing are:
      i. Direct deposits of wages if abuser shares the same financial accounts.
      ii. Address and contact information in personnel and file and ensure confidentiality. If employee has moved to a location unknown by abuser, inform her of the Address Confidentiality program.
      iii. Beneficiary information on 401-k and retirement programs and other benefits to remove the abuser from obtaining possible benefits.

3. Security Measures

   a. Develop a plan.
      i. Most workplace violence prevention models suggest developing an interdisciplinary team to consider all the possible security measures. The essential task of the team is to determine the level of risk and what suitable steps can be taken to reduce the threat.
      ii. While human resources, upper management and legal consul are important factors, it is crucial to include security or law enforcement to benefit from their tactical experience. If a company does not have security or their consultation is inadequate, local law enforcement may be invited to assist on a particular case.
      iii. An important note, the victim of the abuse is the best expert on the extent, degree and nature of abuse that their intimate partner is capable of commiting. However, even the victim of abuse may not be able to accurately assess the abuser's capacity of violence. Regardless, the employee's input is not only beneficial in assessing the risk to the employer, but also important in assessing how the employer's actions may affect the employee directly. For example, an employer obtaining a court order against the abuser, may further endanger the employee due to the abuser's desire for retaliation. Also,

certain safety measures can only be implemented when the victims are willing to participate. If the employee does not participate, management will still need to consider what measures need to be implemented to ensure the safety of all personnel.

b. Develop a liaison with local law enforcement.
   i. Most law enforcement agencies have a community resource officer, crime prevention unit or at least patrol officers assigned to the company's region. Identify a contact to inform them of the situation. Prior contact and information sharing can prove vital in during an emergency response.

c. Assess the work environment.
   i. Initially, an assessment of the environmental vulnerabilities can be made. This would not only help address the immediate threat but improve the general safety of the workplace from all forms of threats. Examples of items to be considered include: lighting around the facility and parking lot, accessibility to the buildings, bushes and trees around entrances and surveillance equipment.

E. An Emergency Response Plan

Note: The most crucial aspect of a security plan is to detail what should be done if the abuser comes to the workplace. Ideally, the abuser would be spotted coming into the parking lot before they enter the building. A description of the abuser and their vehicle (or preferably a picture) can be distributed to those on guard. The specific task of being the look out should be given to appropriate staff such as security. Unfortunately, this responsibility is often given to front desk personnel when their regular duties of answering phones and administrative tasks does not allow them to give this vital task their whole attention. Security devices such as discreet warning buzzers and alarms can be invaluable in these situations.

1. If the abuser comes to the workplace.

   Note: Whatever actions are taken, safety for all personnel must be the priority of all decisions. It is always preferable to err on the side of caution when determining what appropriate steps to take.

   a. Call law enforcement.
      i. This is especially important if there is a domestic violence restraining order or other court order. Even in cases where these documents are absent, this step is still an option.
   b. If notifying law enforcement is not an option, notify security, if available.
   c. Lock all entrances to the facility.
   d. Warn the targeted victim immediately.
   e. Allow passage on a pre-determined escape route or to a safe location.

2. Preventative measures

   a. Legal Options
      i. Obtain a copy of the restraining order, if available, which lists the workplace as a restricted area.. In North Carolina, an employee can obtain an order preventing the abuser from being on the premises or harassing/harming an employee. For further information, consult with your legal counsel.
      ii. If the abuser continually calls and interrupts the work production, the business may take out harassment charges, which would provide further constraints. Law enforcement and legal counsel can provide guidance in this issue. If there were any threats, damage to property or even assaults, obtaining criminal charges is strongly encouraged.
      iii. Again, provide copies of the order for front desk personnel and security personnel along with a description of the abuser and their vehicle.

b. Target Hardening
   i. Screen and/or change the victim's phone extension and e-mails. However, it is important to keep the previous extension in order to save any threatening messages for future court evidence.
   ii. Limit entry to the facility, reduce accessibility, and assess the condition of locks, doors and windows. Ensure that an easy egress is maintained at all portals, and that there is only one entrance for visitors.
   iii. Change the location of the victim's workplace to a safer spot, away from entrances and windows. However, the employee should not be isolated.
   iv. Offer the victim the chance to relocate to another division or plant with in or possibly out of state.
   v. Modify the victim's schedule and work assignments to help elude the abuser and/or offer a safer alternative.
   vi. Offer the victim a parking spot to a more secure location or at least one that is closer to an entrance. Also provide security escort to and from their car.
   vii. In situations of extreme threat, protect the victim and the workplace by allowing the victim to work from home or to take additional leave.

3. Seeking Assistance
   a. Request more patrols from local law enforcement, especially at shift changes or when the victim arrives or leaves the job site.
   b. Hire off-duty officers as security guards and request if their patrol car can be parked in front of the business. They maintain the power of arrest and can contact and receive back up quickly.
   c. Contract with a security consulting firm for more extensive safety measures such as tailing the abuser. While this may be an expensive measure, it may be the most effective measure to prevent an escalation of the harassment or abuse.

Note: These guidelines are meant to provide a range of options that management may consider in the risk assessment and development of security measures. It is not meant to act as advice for any particular case or threat.

F. If An Employee Is an Abuser

Companies have limited options and many restrictions when it comes to employees who are suspected of being abusers. Employers may only address behavior that occurs on the job or directly affects the employees' work performance. Each concern should be addressed separately. Employers are put in a even more complicated position when both victim and abuser are employees.

The business may be held liable for negligent supervision , if an employee engages in any domestic violence behavior while 'on the clock' or uses company resources, such as, a vehicle, phone or e-mail to harass, threaten or stalk their victims. This is especially true if management is aware of the employees behavior and/or if the employee's position provides him with additional means or resources to commit the crime. Such behavior should be investigated with appropriate disciplinary action to follow.

An employee's behavior or actions outside of work may also be taken into consideration if their work is adversely affected by the abusive behavior. This is especially relevant if civil or criminal charges are filed against the employee.

The situation is more complicated if the abuser and the victim work together. If any of the violence or harassment occurs at the workplace, the organization has definite obligations to take action. Occupational Safety and Health (OSHA) and anti-harassment laws compel management to investigate and implement measures to protect the victim. It is not appropriate in these situations to dismiss both abuser and victim.

If the victim has taken a restraining order out against a co-worker, management must take steps to separate the abuser and victim and ensure that all the stipulations of the order are met. Ideally, this would not be to the victim's inconvenience.

Domestic violence is not about poor impulse control or 'marital problems'. Often an abuser is cordial and well liked by colleagues. Rather domestic violence is a systematic attempt to control an intimate partner's life. It is not appropriate for an employer to recommend or order an abuser and/or a victim to family mediation, marriage counseling or anger management classes. Marriage counseling implies some culpability of the victim and commonly requires a compromise or reconciliation. Further, marriage counseling requires both individuals to be in the same location. This could endanger the victim's life.

Section 4: Frequently Asked Questions

What if the victim chooses to remain or return to the abuser?

Perhaps the most difficult issue that employers may face is the fact that victims often return and/or stay with the abuser. Time, resources and energy expended to assist the victims appears wasted as well as the personal affront of feeling that support was rejected.

Understanding the complicated dynamics of domestic abuse takes considerable time and deliberation and is beyond the scope these guidelines. However a supervisor's continuous support may provide the opportunity for a victim of abuse to eventually utilize services to ensure their safety and well being. Leaving an abusive relationship is not an event but a process.

Above all else, avoid blaming the victim. Otherwise, victims will likely not inform management if or when the situation becomes critical again. It is vital to maintain open communication and trust with the employee to keep aware of the potential risk.

How can job performance issues be addressed?

Weighing the balance between job performance and providing support for the abused employee is a difficult task and is best managed through consideration of all the variables. The value of the employee, the opportunity for improvement, the degree of accommodation and being consistent with the other employees are all issues to be contemplate when determining the best course of action. Consider the benefits of increased loyalty from the victim and co-workers if proper support is given.

How long should the security measures be put in place?

It is impossible to completely guarantee the safety and security of the workplace from the threat of possible harm. Management, with consultation with security or law enforcement can assess the probability and severity of potential threats. Certain circumstances or events such as anniversaries, the outcome of court trials or mandates of court orders such as loss of child custody rights may precipitate a violent event. The victim of abuse may have the best insight into the abuser's intention and capability to commit violence.

What if other employees or co-workers express concern and fear that the victim brings a threat to the workplace?

There can be no doubt that some co-workers will be concerned for their own safety . The duty to warn management regarding potential threats should include all employees. If management provides effective support to the victim and other affected employees, this will send a clear message that the business is serious about all of its employees well-being and safety. Simply firing the victim to remove the threat may address the immediate risk. However, it could do extensive damage to employee trust and as a result workers will more likely not disclose and rather attempt to conceal threats of abuse. Management may never know of potentially hazardous cases and that is the most dangerous risk of all.

Section 5: Resources and Links

1. **Peace@Work**
   Non-profit dedicated to violence prevention and crisis support for organizations.
   URL: www.peaceatwork.org

2. **Family Violence Prevention Fund**
   URL: www.endabuse.org *Follow workplace link under programs*

3. **Colorado Bar Association**
   URL: www.makeityourbusiness.org

4. **Legal Momentum**
   URL: www.legalmomentum.org *Follow the link under "Issues For Workplace"*

5. **Safe at Work Coalition**
   URL: www.safeatworkcoalition.org

6. **Corporate Alliance to End Partner Violence**
   URL: www.caepv.org

7. **American Institute on Domestic Violence**
   URL: www.aidv-usa.com

8. **National Domestic Violence Hotline and Referral Service**
   Toll Free Number: 1.800.799.SAFE (7233)

Section 6: Victim Support Measures Checklist

Administrative Support Measures

1. Allow for time off to attend legal, medical and advocacy appointments and other related obligations.

    - ❒ Flex Scheduling
    - ❒ Sick Leave
    - ❒ Shared leave
    - ❒ Compensatory Leave
    - ❒ Vacation Leave
    - ❒ Leave without pay
    - ❒ Family Medical and Leave Act

2. Change personnel information.

    - ❒ Personal and Emergency Contact Information (maintain strict confidentiality)
    - ❒ Wage Deposit Allocation
    - ❒ Beneficiary information including:
        - ❒ Health Benefits
        - ❒ Retirement Accounts, including 401k and Pension funds
        - ❒ Life Insurance

3. Provide flexibility in job assignments.

4. Allow leniency in job evaluations.

5. Assist in the transfer to new division or plant, if available and desired.

6. Provide referral to support systems including:

    - ❒ Employee Assistance Program
    - ❒ Domestic Violence Services
    - ❒ Legal Aid Offices
    - ❒ Law Enforcement Agencies
    - ❒ Social Services Agencies

Section 7: Implementing Security Checklist

Note: The following security list is meant to provide suggestions and ideas, not specific steps for every situation. Every individual case requires a comprehensive assessment by appropriate personnel and even professional consultation to determine the best course of action. This guideline serves only to provide a range of possible options that management can consider in protecting the victim and the workplace.

1. Response Plan if Abuser Approaches the Workplace:

   - ❒ Call Law Enforcement!
   - ❒ If there is no direct threat or court orders against them, notify security if available.
   - ❒ Lock all entrances to the facility.
   - ❒ Warn the targeted victim(s).
   - ❒ Notify all necessary personnel, including management and security.
   - ❒ Allow passage on an escape route or to a safe location pre-designated.

2. Develop plan to secure workplace and employees:

   - ❒ Distribute information regarding the description of the abuser, and their vehicle, to security and front desk personnel.
   - ❒ Request increased patrols from local Law Enforcement Agency.
   - ❒ Obtain copy of protective order for security and/or management if available.
   - ❒ Limit access to building; if feasible use one entrance.
   - ❒ Provide buzzer alarms and/or panic buttons.
   - ❒ Increase security measures, such as. fencing, additional lighting and cameras.

3. Target Hardening of the Victim:

   - ❒ Change victim's parking spot to a safer location.
   - ❒ Escort the victim to her/his car.
   - ❒ Reassign the victim to a different shift, workspace, or duties if it increases safety.
   - ❒ Provide emergency cell phones (available from most domestic violence shelters).
   - ❒ Screen victim's incoming calls and/or provide a new extension and e-mail address.
   - ❒ Keep previous phone or e-mail extensions to record abuser's messages as evidence.
   - ❒ Provide support for victim's security at their home or other safety planning.

4. **MOST EFFECTIVE MEASURES WHEN THREAT IS DEEMED IMMINENT AND LETHAL.**

   - ❒ Hire off-duty law enforcement officers as security (may be able to park their squad car in front of facility).
   - ❒ Lock all entrances to facility, allowing passage to only valid visitors.
   - ❒ Ensure easy egress for safe evacuation.
   - ❒ Remove victim from facility by assignment to other location or allow time off.
   - ❒ Hire security consultant services.
   - ❒ Provide extensive, customized and expert advice on security measures.
   - ❒ May use an investigator to track abuser's movement.

Section 8: What Can A Company Do?

1. Adopt a policy and protocol:

    a. Assemble an interdisciplinary team to determine exact stipulations of the policy and protocol. The team could include: human resources (including employee assistance programs), upper administration, legal counsel, security, union, and other interested parties ..
    b. Adapt existing policies to include domestic violence components.
    c. Implement a new and separate domestic violence policy to provide a more comprehensive approach and make a stronger statement to employees.
    d. It is strongly suggested to have a general workplace violence policy that would work in conjunction with the domestic violence policy.

2. Foster awareness and create a supportive environment:

    a. Establish a clear and strong message that domestic violence victims will be supported and abusers will be held accountable.
    b. Announce when the domestic violence policy is completed and available for all employees to read.
    c. Include educational/informative articles about domestic violence in your company newsletter and list community domestic violence resources.
    d. Create or obtain posters with helpline numbers to display in restrooms and break rooms.
    e. Offer brown bag informational lunches, inviting local service providers to facilitate.

3. Provide appropriate training to all employees on issues such as:

    a. The Domestic Violence in the Workplace Policy.
    b. How to recognize warning signs and assist possible victims of abuse.
    c. The importance of reporting and how to report concerns of threats to the workplace.
    d. The dynamics of domestic violence.

4. Develop contacts and work with your local and statewide domestic violence service provider.

    a. Domestic violence service providers may be willing to be a resource to your EAP as you implement the Domestic Violence in the Workplace Policy ..
    b. The y may also be willing to provide or assist in-service training programs to your managers and employees on how to recognize and respond to victims and abusers in the workplace.

5. Support:

    a. Give financial assistance to domestic violence service providers. Most are non-profit organizations with contributions being tax-deductible.
    b. In-kind donations are often needed, in the form of computers, office supplies, food, toys, clothing, and shelter.
    c. Provide consultation and other services, such as: legal expertise, accounting assistance, printing, and strategic planning.
    d. Offer to include their staff in your professional development programs.
    e. Encourage and support employees to volunteer with community agencies.
    f. If you are a retail or a service operation, coordinate with local businesses to host a “Shop to End Domestic Violence Day” with a portion of the proceeds to support community agencies.