

MODEL POLICY ON DOMESTIC VIOLENCE IN THE WORKPLACE

I. PURPOSE: [Employer X] is committed to promoting the health and safety of our employees. Domestic violence is a leading cause of injury to women in this country. The purpose of this policy is to heighten awareness of domestic violence and to provide guidance for employees and management to address the occurrence of domestic violence and its effects in the workplace.

II. DEFINITIONS:

- A. Domestic Violence:** A pattern of coercive behavior that is used by one person to gain power and control over another, which may include physical violence, sexual, emotional and psychological intimidation, verbal abuse, stalking, and economic control. Domestic violence occurs between people of all racial, economic, educational, religious backgrounds, in heterosexual and same-sex relationships, living together or separately, married or unmarried, in short-term or long-term relationships. Domestic violence is a major cause of injury to women although men also may be victims of such violence.
- B. Batterer, Perpetrator, or Abuser:** The individual who commits an act of domestic violence as defined above.
- C. Batterers' Intervention Programs:** Programs batterers attend that are designed to eliminate violence in intimate relationships, stop other forms of abusive behavior and increase victim safety. Inappropriate batterers' intervention programs include, but are not limited to couples, marriage or family counseling and anger management courses. These have proven to be ineffective in stopping domestic violence.
- D. Survivor or Victim:** The individual who is the subject of an act of domestic violence.

III. POLICY:

A. Early Intervention and Education Prevention Strategies

1. It is the policy of [Employer X] to use early prevention strategies to avoid or minimize the occurrence and effects of domestic violence in the workplace. [Employer X] will provide available support and assistance to employees who are survivors of domestic violence. This support may include: confidential means for coming forward for help, resource and referral information, additional security at the workplace, work schedule adjustments or leave necessary to obtain medical, counseling, or legal assistance, and workplace relocation. Written resource and referral information should be available in all the languages spoken by employees. Other appropriate assistance will be provided based on individual need. In all responses to domestic violence, [Employer X] will respect the confidentiality and autonomy of the adult survivor to direct her or his own life, to the fullest extent permitted by law.

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2. [Employer X will attempt to maintain, publish, and post in locations of high visibility, such as bulletin boards and break rooms, health/first aid offices, company phone directories, and on-line information data bases, a list of resources for survivors and perpetrators of domestic violence, including but not limited to: the Statewide Domestic Violence Coalition number[(xxx) xxx-xxxx], including the National Domestic Violence Hotline number (800) 799-SAFE, [the Employee Assistance Program number], the Phone number and description of local domestic violence resources, and a list of local batterers' intervention programs.

B. Leave Options for Employees Who Are Experiencing Threats of Violence

1. At times, an employee may need to be absent from work due to family violence, and the length of time should be determined by the individual's situation. This time period shall be determined through collaboration with the employee, supervisor/manager, Human Resources representative, [and union representative, where the employee is represented].

2. Employees, supervisors, and managers are encouraged to explore whether paid options can be arranged which help the employee cope with a family violence situation without having to take a formal unpaid leave of absence. Depending on the circumstances this may include:

- * Arranging flexible work hours so that the employee can handle legal matters, court appearances, housing, and childcare.

- * Considering [sick, annual, shared, leave, compensatory time, or leave without pay], especially if requests are for relatively short periods.

C. Procedures for Employees with Performance Issues Related to Domestic Violence

1. While the employer retains the right to discipline employees for cause, [Employer X] recognizes that victims of domestic violence may have performance or conduct problems such as chronic absenteeism or inability to concentrate as a result of the violence. When an employee subject to discipline confides that the job performance or conduct problem is caused by domestic violence, a referral for appropriate assistance should be offered to the employee.

2. The manager, in collaboration with the employee, Employer Assistance counselor, Human Resource representative, [and union representative, where is represented], should allow a reasonable amount of

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time for the employee to obtain assistance regarding the domestic violence. Managers should be mindful that the effects of domestic violence can be severe and may take extended periods of time to address fully.

D. Disciplinary Procedures for Employees Who Commit Acts of Threats of Domestic Violence

1. [Employer X] is committed to providing a workplace in which the perpetration of domestic violence is neither tolerated nor excused. Any physical assault or threat made by an employee while on [Employer X] premises, during work hours, or at a [Employer X] sponsored social event is a serious violation of [Employer X] policy. This policy applies not only to acts against other employees, but to acts against all other persons, including intimate partners. Employees found to have violated this policy will be subject to corrective or disciplinary action, up to and including discharge.
2. Employees who are convicted of a crime as a result of domestic violence may be subject to corrective or disciplinary action, up to and including discharge, when such action affects the work performance of the employee or affects the normal operation of [Employer X].

IV. GUIDELINES REGARDING ASSISTANCE FOR SURVIVORS AND PERPETRATORS

D. General Guidelines

1. The following information is provided to help employees of [Employer X] who are survivors of domestic violence obtain the services they desire and to enhance the safety of [Employer X] workplaces.
2. [Employer X] seeks to create a supportive workplace environment in which employees feel comfortable discussing domestic violence and seeking assistance for domestic violence concerns. If an employee discloses that he or she is a survivor of domestic violence, it is important to send the following messages and avoid victim blaming:

- * You are not alone.
- * You are not to blame.
- * There is help available.
- * You do not deserve to be treated this way.

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3. If a supervisor believes that an employee is in an abusive relationship, but the employee has not disclosed this to their supervisor, the supervisor should address any job performance issues and refer the employee to the Employee Assistance Program and/or community resources.
4. Recognizing the absence of services and support for survivors of domestic violence and that survivors of domestic violence may face threats of violence or death when they attempt to end a violent relationship, supervisors will make efforts to provide a nonjudgmental and supportive environment for the employee which is not dependent on the employees' decisions regarding the relationship.
5. A successful workplace intervention may consist of providing the employee with a non-judgmental place to discuss the violence and information to begin accessing resources in the community, or assisting the employee to formulate a plan to increase that employee's safety.
6. It is important that all employees know how best to respond to the effects of domestic violence on the workplace. The following clarifies roles for all staff:

a. Managers/Supervisors:

1. Participate in domestic violence training as provided.
2. Be aware of physical or behavioral changes in employees and consult with your Human Resources department/Employee Assistance Program/supervisor for advice. Your role is not to diagnose or counsel the employee, but to refer the employee to appropriate resources. The following behaviors may be associated with domestic violence: chronic absenteeism, inappropriate/excessive clothing, obsession with time, repeated physical injuries, chronic health problems (e.g. chronic pain), isolation, emotional distress, depression, distraction, and excessive number of personal phone calls.
3. Managers/Supervisors must be respectful of employees' personal choices. If the manager or supervisor observes the signs of violence, it is appropriate to convey concern regarding signs and to educate the employee regarding resources available. It is critical that the manager/supervisor respect the employee's privacy and not pressure the employee to disclose any personal information.
4. Be responsive when an employee who is either the survivor or the perpetrator of domestic violence asks for help. Immediately contact your Human Resources/Employee Assistance Program/Security professional/Occupational Health Nurse or MD for assistance.

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5. Maintain the confidentiality of domestic violence circumstances and any other referrals under this policy to the extent permitted by law. Inform others of the domestic violence circumstances on a need to know basis only. Wherever possible, give advance notice to the employee who is experiencing domestic violence if you need to inform others about the domestic violence situation.
6. Work with the victim, Human Resources, the Employee Assistance Program, the Legal department, union representatives, available Security staff, law enforcement, the Occupational Health office, and community domestic violence programs, if necessary, to assist the victim to develop a workplace safety plan (See Appendix A) and make reasonable accommodation of that plan. When assisting an employee to develop a workplace safety plan, ask what changes, if any, could be made at the workplace to make the employee feel safer. Survivors of domestic violence know their abusers better than anyone else. When it comes to their own safety, offer to assist them in developing a workplace safety plan, but allow them to decide what goes into the final plan. However, if it is determined that other employees or customers are at risk, it is essential to take measures to provide protection for them.
7. If possible, the supervisor will make efforts to adjust the survivor/employee's work schedule and/or grant leave [sick, annual, shared, leave, compensatory time, or leave without pay] 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. Be sure to follow all applicable personnel policies and procedures, [union contract provisions,] and statutes. This approved leave should not be held against the employee.
8. The employee should maintain communication with her or his manager during the absence. The employer should maintain the confidentiality of the employee's whereabouts.
9. Work with Human Resources managers [and union representatives, if applicable,] to relocate employee to an alternate worksite, whenever feasible, if the employee requests to relocate for safety reasons. If relocation is offered, it should not produce any reduction in pay, status or benefits.
10. Review the safety of parking arrangements. Make sure that parking areas are well lit. Provide security escorts to parked cars and priority parking near building entrance for employees who fear an attack at work.

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11. With Human Resources or Communication department approval, post information about domestic violence in your work area. Also, have information available where employees can obtain it without having to request it or be seen removing it. Some suggestions are: restrooms, lunchroom, health and/or first aid offices, or where other employee resource information is located.
12. Comply with all civil protection orders. If both the plaintiff and defendant in a civil protection order are employees of [Employer X], managers must work with Human Resources, the Legal department, Employee Assistance counselors, the Occupational Health Nurse/MD, and Security to ensure that the Defendant is relocated to a workplace in which the defendant will have no contact with the plaintiff. If you observe violations of the protection orders, document these violations and call the police and/or Contact the Legal department.
13. Respect the employee's boundaries and privacy, even if you disagree with the decisions she/he is making regarding the relationship. A survivor of domestic violence may make numerous attempts to leave before she/he is finally able to leave her/his batterer. It is often difficult to leave because of financial and childcare responsibilities, or threats of violence.
14. After consultation with Human Resources and legal counsel, take any appropriate corrective or disciplinary action consistent with policy and procedure [and collective bargaining agreements], up to and including termination, against employees who commit acts of violence at [Employer X] worksites as outlined in the policy or who are convicted of a crime as a result of domestic violence when such action affects the work performance of the employee or affects the normal operation of [Employer X].
15. Inform subordinates on a periodic basis about the employer's policy and procedures on encouraging work environments free from violence, threats and harassment.

b. Human Resource Professionals:

1. Participate in domestic violence training as provided.
2. Maintain a list of services available to survivors and perpetrators of domestic violence. This list should include: the National Domestic Hotline number, (800) 799-SAFE, the State Domestic Coalition number [(xxx)xxx-xxxx], Employee Assistance Program, local domestic violence shelters, certified batterers' intervention programs available to perpetrators, information on how

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to obtain civil protection and criminal justice options, and any other available community resources.

3. Be a resource to employees, managers and supervisors in addressing domestic violence situations.
4. Work with supervisors, managers [and union representatives] to grant leave, adjust work schedules or attempt to find continued employment for employees who are survivors of domestic violence, if possible.
5. Maintain the confidentiality of domestic violence circumstance and any other referrals under this policy to the extent permitted by law.
6. Consult legal counsel and advise supervisors and managers in considering corrective or disciplinary actions against employees who commit acts of domestic violence at [Employer X] worksites as outlined in the policy or who are convicted of a crime as a result of domestic violence when such an action affects the work performance of the employee or affects the normal operation of [Employer X].
7. Work with the survivor, the manager, the Employee Assistance Program, the Legal department, [union representatives], the Occupational Health office, available Security staff, law enforcement, and community domestic violence programs, if necessary, to develop a workplace safety plan for victim. (See Appendix A). When assisting an employee to develop workplace safety plan, ask what changes, if any, could be made at the workplace to make her or him feel safer. Survivors of domestic violence know their abusers better than anyone else. When it comes to their own safety, offer to assist them in developing a workplace safety plan, but allow them to decide what goes in the final plan. If it is determined that other employees or clients are at risk, it is essential to take measures to provide protection for them.

c. Employee Assistance Professionals:

1. Participate in domestic violence training as provided.
2. Train staff on how to identify warning signs of potential violence in both the survivor and the perpetrator, and on how to intervene most effectively.
3. Maintain up-to-date referral resources on domestic violence hotlines, advocacy groups, shelters, counseling services, and legal services (pro bono legal assistance and domestic violence/family court information), as well as resources for perpetrators, including certified batterers' intervention

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programs. As these resources change frequently, it will be important to verify the referral information frequently.

4. Provide education on domestic violence through existing or new channels such as lunchtime seminars, newsletters, posters, pamphlets, and employee and management training.
5. Educate the employer about the Employee Assistance Program's ability to intervene in domestic violence situations. Inform management of the need to call the Employee Assistance counselor to consult about any domestic violence situations that they become aware of, including concerns about either survivors or perpetrators.
6. Work with survivors, Human Resource professionals, Security staff, the Legal department, [union representatives], the Occupational Health office, law enforcement and community domestic violence programs to develop a personal and workplace safety plan to minimize the risk to the victim, other employees and clients.
7. Maintain strictest confidentiality and respect the survivor's need to be self-directing. When appropriate, with the survivor's written permission, provide advice and consultation to supervisors with respect to issues of domestic violence in the workplace in order to achieve workplace cooperation regarding leave of absence, fair consideration of any performance or conduct problems directly related to the violence, safety needs, disciplinary actions towards a perpetrator who works with a survivor and abuses that person in the workplace, and access to any other needed services. Discuss with Human Resources any personnel policy which may negatively impact survivors.
8. Establish a relationship with domestic violence service agencies in the community, sharing information and resources. One method of establishing a working relationship with a community organization would be to ask staff to participate in workplace educational events on domestic violence.

d. Occupational Health Professionals:

1. Participate in domestic violence training as provided.
2. Maintain a list of services available to survivors and perpetrators of domestic violence. This

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list should include: the National Domestic Hotline number, (800) 799-SAFE, the State Domestic Violence Coalition number [(xxx)xxx-xxxx], Employee Assistance Program, local domestic violence shelters, certified batterers' intervention programs available to perpetrators, information on how to obtain civil orders of protection and criminal justice options, and any other available community resources.

3. Be a resource to employees, managers and supervisors in addressing domestic violence situations.
4. Work with survivors, Security staff, Human Resource Professionals, the Employee Assistance Program, the Legal department, [union representatives], law enforcement, and community domestic violence programs, if necessary, to develop a workplace safety plan (Appendix A) to minimize the risk to the victim, other employees and clients.
5. Work with supervisors, managers [and union representatives] to grant leave, adjust work schedules, or attempt to find continued employment for employees who are survivors of domestic violence, if possible.
6. Maintain the confidentiality of domestic violence circumstances and any other referrals under this policy to the extent permitted by law.
7. Screen for domestic violence all females seen for injury, chronic health problems, somatic complaints, pregnancy-related issues, mental health problems, or substance abuse. Screen in a confidential setting. Use questions that are direct, specific and easy to understand, e.g. "Because violence is so common in many people's lives, I've begun to ask all my patients about it routinely. Are you in a relationship with a person who physically hurts or threatens you?" Screen verbally in addition to any written questionnaire forms used. When unable to converse fluently in the employee's primary language, use a professional translator or another health care provider fluent in the employee's language – do not use the employee's family or friends as translators when asking advice about domestic violence. Document that screening for domestic violence was done.
8. With Human Resources or Communication department approval, post information about domestic violence in your work area. Also, have information available where employees can obtain it without having to request it or be seen removing it. Some suggestions are: restrooms, lunchrooms, health and/or first aid offices, or where other employee resource information or health-related materials are located.

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e. Security Services:

1. Participate in domestic violence training as provided.
2. Provide consultation and reasonable assistance to employees experiencing domestic violence.
3. Document violations of a restraining order.
4. Respond and intervene, as needed, to calls concerning safety in the workplace.
5. Accept transferred harassing telephone calls from the employee's abuser, and document the calls.
6. Work closely with appropriate law enforcement agencies to ensure workplace safety.
7. Keep a certified copy of any restraining orders provided by the employee to Security Services in a confidential file. Access to orders and information contained in them should be limited on a need-to-know basis.
8. Provide escorts to parked cars and priority parking near the building entrance for employees who fear an attack at work.
9. Work with survivors, Human Resource Professionals, the Employee Assistance Program, Occupational Health Office, the Legal department, [union representatives], law enforcement, and community domestic violence programs, if necessary, to develop a workplace safety plan (Appendix A) to minimize the risk to the victim, other employees and clients.

f. Options for Employees Who Are Survivors of Domestic Violence:

1. Talk with a trusted co-worker, supervisor, [union representative], or manager about your situation.
2. Contact your nearest Employee Assistance Program office: [List phone numbers]
3. Contact the National Domestic Violence Hotline at (800) 799-SAFE, the State Coalition Against Domestic Violence at [(xxx) xxx-xxxx], or the local domestic violence agency at [(xxx) xxx-xxxx].
4. Call the local police if you are in immediate danger.
5. Notify your supervisor of the possible need to be absent and find out your leave options. Be clear about your plan to return to work and maintain communications with your supervisor during your absence. If necessary and available, make alternate arrangements for receiving your paycheck.
6. If you are concerned about your safety at work, submit a recent photograph of the abuser and a copy of your protection order to your supervisor, the Legal department, Security, and the police department. This assists your employer in identifying the abuser should he/she appear in the workplace.

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7. Work with your supervisor, Human Resource manager, Security Staff, Employee Assistance Program manager, Occupational Health Nurse/MD or [union representative] to develop a safety plan (See Appendix A).

8. Obtain assistance for and documentation of any physical and/or mental health consequences of the abuse (including old injuries) from your workplace occupational health office (if available) and/or your primary care provider.

g. Options for Employees Who Are Perpetrators of Domestic Violence:

1. Contact the nearest Employee Assistance Program office for confidential consultation and resources.

[List phone numbers here].

2. Contact a batterers' intervention program: [List phone numbers here].

h. Options for Other Employees Who Have Concerns about Domestic Violence:

1. If you know or believe that a co-worker is a victim of domestic violence, communicate your concerns for her or his safety. Be clear that your role is to help and not to judge. Refer the employee to the Employee Assistance Program, a local domestic violence agency, or the National Domestic Violence Hotline at (800) 799-SAFE. Maintain the confidentiality of the domestic violence circumstances and any other referrals under this policy to the extent permitted by law. Discuss the employee's situation with employee assistance counselors, Human Resources, or a local domestic violence program for further guidance.

2. Report any threats or violence that you experience or witness to your supervisor, Human Resources, Security, or the Employee Assistance Program.

3. Volunteer at a local domestic violence shelter or organize a workplace drive for domestic violence shelters.