

Domestic Violence and the Workplace Toolkit



For managers, supervisors, and human resources staff

About This Toolkit

Domestic violence concerns us all. Freedom from domestic violence is a fundamental human right that must be protected and fulfilled. Our Domestic Violence and the Workplace Policy helps to secure the right to be free from domestic violence by ensuring that all employees are safe in their place of work and can maintain job security and safety if they become the victim of domestic violence.¹ This Domestic Violence and the Workplace Toolkit is designed to assist managers, supervisors, and human resources staff to effectively implement the Policy. On pages 11–13, it also offers information and guidance that managers, supervisors, and human resources staff should share with all employees.

Did you know?

On average per year, the Advocacy Center of Tompkins County answers more than 2,000 calls on its domestic violence and sexual assault hotline.

Maintaining economic independence can be critical in empowering domestic violence victims to find safety away from their abusive partners. These efforts are frustrated when employers do not have procedures in place to protect victims at the workplace or when employers terminate the victim's employment because of performance issues that result from domestic violence.

Domestic Violence Hurts Employers Too

Not only does domestic violence endanger employee health and safety, it also damages employee productivity, business profits, and the overall economy.

According to the U.S. Centers for Disease Control and Prevention, victims of domestic violence lose nearly 8 million days of paid work per year: the equivalent of more than 32,000 full-time jobs.²

¹ For further information on the purpose of the Policy, see Domestic Violence and the Workplace Policy § 1.

² Centers for Disease Control and Prevention, Intimate Partner Violence: Consequences.

What is Domestic Violence?

Domestic violence is a pattern of abusive behavior that individuals use to gain power and control over a current or former intimate partner.³ Domestic violence can happen in any type of intimate relationship, regardless of gender and of whether the couple is, or was, married, living together, or dating.

Domestic Violence May Include:

- Physical abuse
- Verbal abuse
- Emotional abuse
- Financial coercion/control
- Isolation
- Intimidation/threats
- Stalking/surveillance
- Sexual abuse/assault

Did You Know?

Between 2003 and 2008, over 25% of women murdered in U.S. workplaces were killed by a current or former intimate partner. Over half of workplace homicides perpetrated by intimate partners occurred in parking lots and public buildings.⁴

How Domestic Violence Affects Victims in the Workplace

Victims often:

- Show up late to work
- Exhibit signs of stress
- Have excessive absences
- Are unable to concentrate at work
- Show signs of decreased productivity

Managers, supervisors, human resources staff and co-workers should be trained to recognize these signs. These are often consequences of a perpetrator using controlling tactics to isolate his or her partner and diminish the partner's ability to be economically self-sufficient.

³ For an in-depth definition of domestic violence, see Domestic Violence and the Workplace Policy § 2.

⁴ Hope M. Tiesman et al., Workplace Homicides Among U.S. Women: The Role of Intimate Partner Violence, 22(4) Annals of Epidemiology 277 (2012).

How Do We Create

a Workplace Free from Domestic Violence?

Raise Awareness of Domestic Violence and the Workplace⁵

- ❖ Provide each employee with: (1) a copy of the Domestic Violence and the Workplace Policy; (2) the name and contact information of a human resources employee designated to address domestic violence issues; and (3) a copy of the Employee Bill of Rights (see page 11) and relevant resources (see page 13).
- ❖ Implement and sustain a workforce-based domestic violence awareness campaign that helps communicate the goals provided for in the Domestic Violence and the Workplace Policy, namely that:
 - ✓ The workplace will be free of threats, fear, and violence.
 - ✓ The workplace will effectively and efficiently respond to threats and potential violence.
 - ✓ Resources will be made available to employees needing assistance with violent and abusive situations.
- ❖ Partner with local agencies to, e.g., offer “brown bag” lunch discussions in order to educate employees about domestic violence issues.
- ❖ Place information about domestic violence victims advocacy centers in private locations such as restrooms.

A Safe Space in the Workplace

Create a caring and confidential environment⁶ where employees feel safe and comfortable talking to managers, supervisors, and human resources staff about domestic violence incidents.

- ❖ Victimized employees often feel shame and stigma about disclosing domestic violence and may be hesitant to confide in others.
- ❖ Managers, supervisors, and human resources staff should therefore reassure employees that they will keep all discussions confidential, unless there is an immediate safety risk or disclosure is necessary to comply with the law. When implementing the employee’s workplace safety plan, it is important to assure the employee that you will only share relevant details on a need-to-know basis.

⁵ For more suggestions see Domestic Violence and the Workplace Policy § 10.

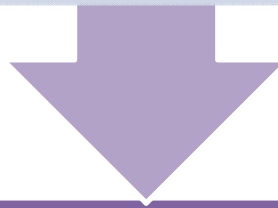
⁶ For more information on confidentiality see Domestic Violence and the Workplace Policy § 4.

How Do I Help

an Employee Who is Experiencing Domestic Violence?

Assess

Speak with the employee and gather as much information as possible about the situation in order to better advise and assist the employee.



Advise

Make sure the employee knows her or his rights. Inform the employee about available resources and accommodations and let the employee know that your office is there to provide support.



Assist

Work with the employee to create a workplace safety plan and implement it immediately. Refer the employee to victims advocates who can help the employee find and maintain safety.

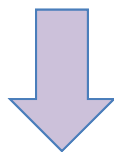
Assess

Gather Information About the Situation

If you suspect that an employee is a victim of domestic violence, you should first speak privately with the employee and assess the situation.

If the employee **does** confide in you, talk with the employee and assess:

- ❖ Whether the employee feels safe in the workplace.
- ❖ Whether a change in the employee's work schedule or work location is necessary to maintain the employee's safety.
- ❖ Whether the physical layout of the workplace should be changed to protect the employee.
- ❖ Whether the employee has an order of protection against the perpetrator. If so, ask for a copy and ask for a photo of the perpetrator to share with security personnel and reception staff or other relevant persons.
- ❖ Whether the employee would like to change his or her benefit plans.
- ❖ Whether it is necessary to share information with others in the workplace in order to maintain the employee's safety.



The answers to these questions should help you offer appropriate advice to the employee and create a responsive individualized safety plan with the employee.

If the employee **does not** wish to confide in you, share helpful information with the employee including the office's domestic violence policy and information on national and local domestic violence resources. Also let the employee know that you care for their safety and are always available to talk.

Advise

Discuss the Employee's Rights and Options⁷

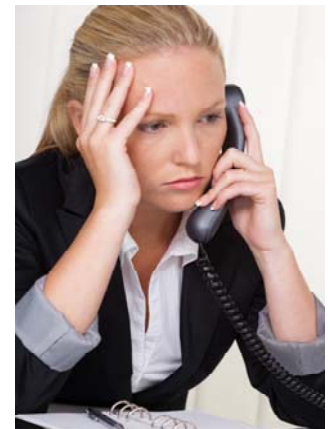
Employees may be unaware of the resources available to them to guide them through the challenges they are facing at the workplace as a result of coping with domestic violence. You should confidentially advise victimized employees on the workplace benefits and accommodations available to them.

Workplace Accommodations and Safety Measures

- ❖ Confidentially consult with the employee to determine if the employee needs work schedule adjustments and time off in order to secure medical or legal services or counseling, find new housing, attend court proceedings, participate in safety planning, or make other safety arrangements.
- ❖ Inform the employee that law enforcement will be contacted in the event of an incident where an abusive partner threatens the safety of the workplace.
- ❖ Termination of employment should be considered only after all reasonable accommodations have failed. New York law prohibits discrimination against employees who are victims of domestic violence.

Employee Benefits

Inform employees of their ability to make changes in their employment benefits plan. If an employee has separated from an abusive spouse or partner, take steps, in accordance with applicable laws, to prevent the spouse or partner from accessing benefits.



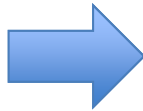
⁷ For a complete list of employee rights and options see Domestic Violence and the Workplace Policy §§ 3, 6–7.

Assist

Create a Workplace Safety Plan⁸

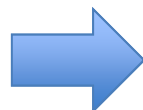
Once an employee has confided in you about being a victim of domestic violence, you and the employee should create a safety plan that makes it possible for the employee to continue working safely.

Reduce Victim's
Exposure to
Domestic Violence



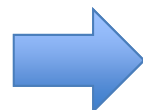
- Develop procedures to contact the police if there is an incident at the workplace.
- If necessary, temporarily move the employee to another area at the workplace or to another work site.
- If necessary, change employee's work schedule and/or parking spot.
- If necessary, provide an escort for the employee as the employee enters and leaves the workplace.

Cooperate with
Orders of
Protection



- Inform the employee that you will contact law enforcement in the event that an abusive partner threatens the safety of the workplace.
- Keep a picture of the perpetrator and copies of court orders on file.

Protect Victim's
Information

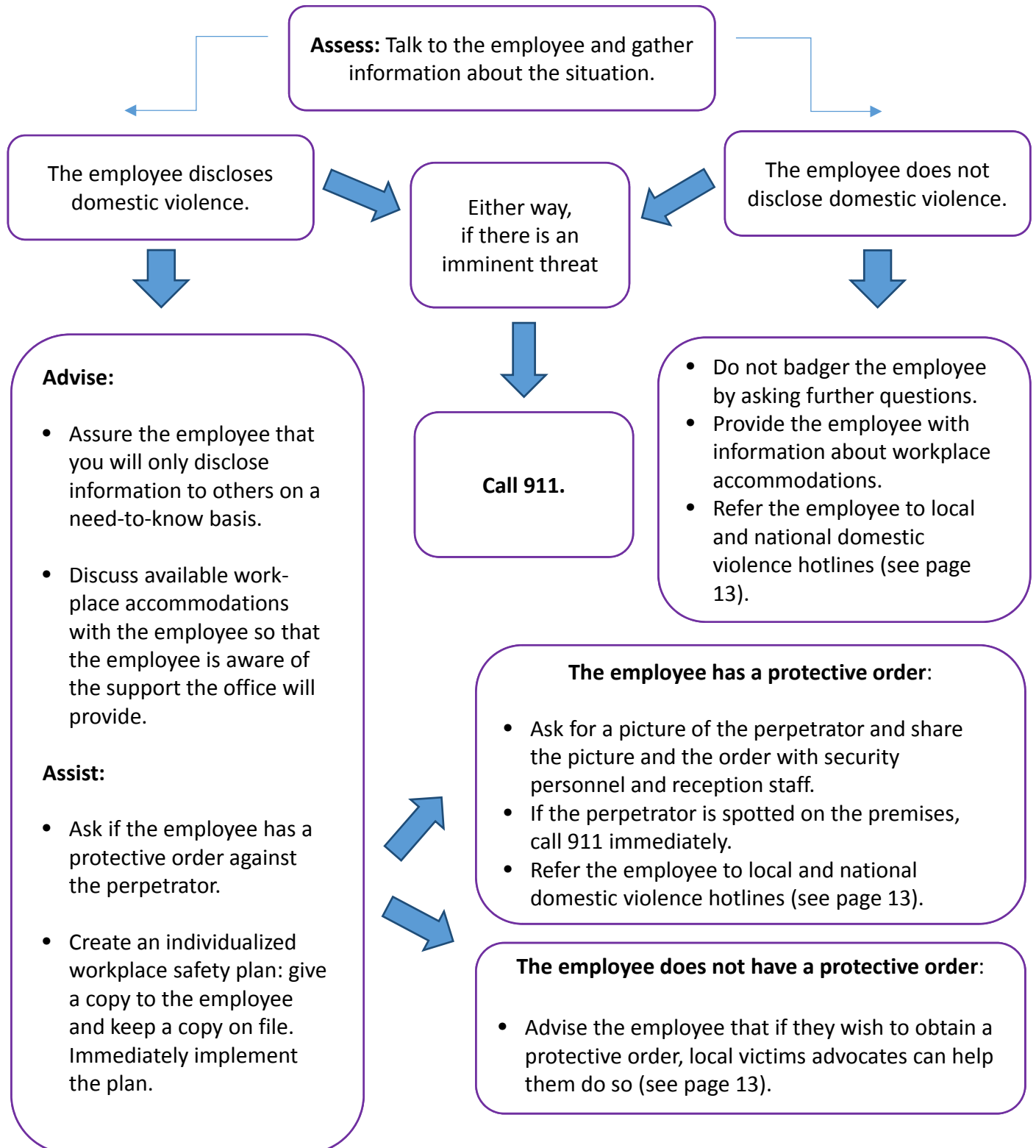


- Share safety plan with on a need-to-know basis.
- Remove employee's information from employer's website.
- Develop protocols for responding to abuse at work via phone, fax, or email.

⁸ For further workplace safety plan options see Domestic Violence and the Workplace Policy § 5.

What Should I Do

if I Suspect an Employee is a Victim of Domestic Violence?



Sensitizing Co-workers

Often, victimized employees are more open with their co-workers and feel more comfortable sharing information with someone they consider a friend. It is very important that all employees are knowledgeable about the issues of domestic violence and the workplace so that they can appropriately respond to and support victimized employees.

Employers should train all employees about domestic violence and the workplace and how to respond if they think a co-worker may be a victim of domestic violence or if a co-worker confides in them. Employers should also share the phone numbers of the domestic violence hotlines (on page 13) with all employees.

What should you do if you suspect a co-worker is a victim of domestic violence?⁹

DO	DON'T
Express concern and let the co-worker know that you are there to listen.	Ignore the situation or push the co-worker to talk.
Listen to and believe the co-worker without judgment.	Blame the co-worker or make assumptions about the situation.
Offer your help and support, and refer the co-worker to human resources or to victims advocates (see page 13) for more assistance.	Tell the co-worker what to do or place conditions on your help or support.

⁹ For more information about how co-workers can help, visit the NY State Office for the Prevention of Domestic Violence at <http://bit.ly/NYOfficePDV>.

Employee Bill of Rights

on Domestic Violence and the Workplace

As an employee, I have the right to:

- A copy of the Domestic Violence and the Workplace Policy and the names and contact information for the human resources employee designated to address domestic violence issues
- A workplace free from threats and violence, and a workplace that efficiently and effectively responds to such threats
- Employer policies that address domestic violence at the workplace
- Supervisors and managers who are trained to appropriately recognize and respond to employees who are experiencing domestic violence
- Information about domestic violence victim services in private locations in restrooms, break rooms, and cafeterias

If I experience domestic violence, I have the right to:

- A caring environment where I feel comfortable speaking to management about domestic violence issues
- An opportunity to maintain economic self-sufficiency
- Be treated fairly and without discrimination¹
- Be considered for a job or promotion on the same terms as everyone else²

If I disclose domestic violence to a manager or supervisor, I have the right to:

- Confidentiality, unless disclosure of my personal information is required to comply with the law or to eliminate a safety risk in the workplace
- Referral to a victim advocate
- Information about available resources and accommodations in the workplace

¹ NYS Human Rights Law § 296 (1)(a).

² NYS Human Rights Law § 296 (1)(a).

Employee Bill of Rights

on Domestic Violence and the Workplace

I also have the right to appropriate workplace security measures such as:

- An individualized workplace safety plan, created with a manager, supervisor, or human resources staff member, that takes into account my specific safety concerns and is implemented immediately
- The removal of my details from my employer's website, and protocols for responding to abuse at work via phone, fax, or email
- Appropriate accommodations to ensure my health and safety, such as changes in work schedule, work location, physical layout of the workplace, and parking spot
- Assistance with enforcing an order of protection if the perpetrator breaches the order while I am at work

Additionally, I have the right to responsive and nondiscriminatory personnel policies, including:

- A prompt response to my request for time off or fair treatment
- Assistance in obtaining reasonable time off from work to receive help for domestic violence
- Time off from work, with prior day notice, for court appearances³
- Reasonable modifications of my benefits, where possible, to remove an ex-partner from the plan
- Practical and responsive measures to help with any difficulties I may have in performing my job as a result of experiencing domestic violence

If I cannot continue to work because of domestic violence, I have the right to:

- Employer cooperation in securing unemployment insurance benefits⁴

³ NY Penal Law § 215.14.

⁴ NY Labor Law § 593 (1)(a).

Local and National Resources

Advocacy Center of Tompkins County Hotline

24/7 Hotline: **607-277-5000**

www.theadvocacycenter.org



The Advocacy Center counselor/advocates are available 24 hours a day, 7 days a week. The Advocacy Center offers: emotional support; confidential shelter; support groups and empowerment classes; support accessing services such as hospital, police, court proceedings, or social services; legal advocacy; help with orders of protection; safety planning; therapy services; and referrals.

New York State Domestic Violence Hotline

24/7 Hotline: **1-800-942-6906**; TTY: **711**

<http://www.opdv.ny.gov/help/dvhotlines.html>



The New York State Domestic Violence Hotline is available 24 hours a day, 7 days a week and provides assistance in over 150 languages, including Spanish. Their advocates can talk confidentially and provide regional referrals for local assistance.

The National Domestic Violence Hotline

24/7 Hotline: **1-800-799-7233**; TTY **1-800-787-3224**

www.thehotline.org



The National Domestic Violence Hotline advocates are available 24 hours a day, 7 days a week to talk confidentially with anyone experiencing domestic violence, seeking resources or information, or questioning unhealthy aspects of their relationship. The website also has live chat.