

## **Domestic Violence and the Workplace**

Domestic violence compromises the safety of thousands of New York State (NYS) employees every day, with tragic, destructive and often fatal results. This protocol is designed to help create an informed, supportive workplace culture and to assist managers, supervisors and co-workers in recognizing possible signs of domestic violence.

Upon hire, all employees receive a copy of the pamphlet titled, Domestic Violence in the Workplace. This pamphlet details where a person can go if they are being abused by a current or former partner and/or if they are concerned that a coworker may be a victim of domestic violence. Able2 provides this information to all so that employees who are being abused are less likely to feel singled out and may be more receptive to seeking assistance. Additionally, this proactive approach to domestic violence in the workplace is a preventive effort. Able2 is committed to maintaining a safe and healthy environment for everyone, which sets a tone of professionalism, respect and zero tolerance for violence of any kind in the workplace.

### **Why is domestic violence a workplace concern?**

1. Workplace Safety - Employers must ensure, as is reasonably practical, employees' safety, health and welfare at work. This is particularly challenging when an employee is a victim of domestic violence. Even though an abuser's primary victim is at greatest risk for harm, all people with whom that victim comes into contact – including coworkers and professional acquaintances – are potential secondary victims.
2. More than one million women and 371,000 men are victims of stalking in the U.S. each year. Perpetrators often follow the victim to the workplace, which creates the potential for an unsafe work environment. Risk of violence increases when a victim attempts to leave or manages to leave the relationship, and work may be the only place the perpetrator can find them. Intimate partner assaults or homicides that occur in the workplace often include collateral damage with other employees being injured or killed.
3. Employers must provide a safe work environment for all employees and can be held liable if they fail to do so.
4. Domestic Violence affects performance and productivity. Many victims have difficulty concentrating on work tasks, receive harassing phone calls or texts at work, have frequent absences and are often late to work.

### **What is Domestic Violence?**

Domestic Violence is a pattern of coercive tactics, which can include physical, psychological, sexual, economic and emotional abuse, perpetrated by one person against a current or former adult intimate partner, with the goal of establishing and maintaining power and control over the victim. Domestic violence can affect anyone no matter what age, race, gender, religion, class or ethnicity.

Often people think of domestic violence as physical or sexual assault. While that is true, it is only part of the picture. Many victims are never physically or sexually assaulted but are controlled and terrorized by their partners using non-physical tactics such as:

- Verbal, emotional/psychological abuse
- Coercion and threats
- Isolation
- Minimizing, denying, blaming
- Using children
- Intimidation
- Economic abuse

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### What does Domestic Violence look like in the workplace?

Colleagues, managers and supervisors may detect a pattern of one or more of the following signs/ behaviors in the workplace that MAY be an indicator of domestic violence:

- Visible physical injuries
- Marital or family problems
- Alcohol or other addictions
- Depression, suicidal thoughts or attempts
- Absenteeism, lateness, leaving work early, arriving early
- Strict adherence to starting and ending times
- Inability to travel away from the office for work related events
- Decreased job performance
- Unusual/excessive number of phone calls
- Disruptive personal visits
- Abrupt changes in personality, including isolating from other coworkers and lack of participation in office functions/events
- Fatigue

### How can I help?

The presence of the signs/behaviors listed above does not mean the employee is definitely a victim of domestic violence. However, if you are a manager or supervisor and you notice these signs in your employee, or if you have other reasons to suspect that they might be a victim of domestic violence, it is time to ask some questions, in private, away from other staff. For example:

- “Is there anything going on at home that is making it hard for you to get to work, or get to work on time?”
- “I notice there has been a change in your performance. Is there anything going on at home that is impacting your performance?”
- “I’ve noticed you’re getting a lot of upsetting phone calls. Is there something we can do to assist with that?”

If you are a concerned co-worker, you might want to say:

- “I’m concerned about you. If I can be of any help, please let me know.”
- “I heard you crying when you hung up the phone this morning. Do you feel like talking about it? I would like to help you get the support you need.”
- “I noticed your split lip and the bruise on your arm. I’m concerned for your safety and I’d like to help.”

Asking these questions and making these statements might be uncomfortable at first, and employees may not readily admit that there is anything wrong. However, by speaking with the employee, you are sending the message that you have seen something, you are saying something and you are willing to assist them if and when they are ready. While they may not be open to assistance when you first speak to them, you have planted the idea that someone has noticed and is available to help.

If we say nothing, we are sending the message to our colleague that they are on their own and we don’t want to be involved. Ultimately, by not saying anything we are reinforcing the perpetrator’s control and dominance. Reaching out conveys the message that they are not alone.

Not all employees will feel comfortable or able to help victims in the same way. It is ok to feel unprepared or unsure when you think about reaching out to a victim of domestic violence.

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### What if they confirm they are experiencing domestic violence?

- Let the employee know that you are concerned for their safety.
  - “I’m concerned for your safety. I’d like to help if I can.”
  - “I’m worried about you. It sounds like you may not be safe.”
  - “Your situation sounds dangerous. I’m concerned for your safety.”
- Validate their experience and let them know that you believe them.
  - “You are not alone. This happens to lots of people.”
  - “You are not to blame. It’s not your fault.”
  - “You are not crazy. Your feelings are normal and reasonable for someone who’s been through what you’ve been through.”
  - “Help is available. I’d like to help if I can.”
- Refer the employee to the local domestic violence service provider (as posted or listed in the brochure) and to the employee assistance program. If an employee is in imminent danger, suggest that they use your phone to call the police or the local domestic violence service provider. The provider can help them leave in an emergency as safely as possible.

### What shouldn’t I do?

- Never suggest that an employee go home and pack their bags and leave. Leaving is a very dangerous time for a victim of domestic violence. At this critical time violence often escalates and/or domestic violence homicides occur. It is essential that the victim works with people/supports that specialize in Domestic Violence so they can have a plan prior to leaving.
- **Don’t** ask questions that judge the employee’s choices, such as:
  - Why don’t you just leave?
  - Why did you go back?
  - Why did you wait so long?
  - Don’t suggest marriage or family counseling. Services that require victims to participate in joint sessions with their abusive partners increase a victim’s risk of physical and emotional harm and are therefore not recommended for dealing with domestic violence.
  - Don’t do “nothing.” Silence sends the wrong message and can be more hurtful than if you should say something awkward.

### What should I do when I confirm an employee is a victim of Domestic Violence?

- a. After you have gathered information from the employee about the situation, if there is an imminent threat, Call 9-1-1.
- b. Assure the employee that you will only share details as required.
- c. If you are a supervisor, work with the employee to develop a Workplace Safety Plan and implement the plan immediately. When developing the plan, consider the following:
  - i. Does the person need a schedule change?
  - ii. Does the employees’ parking area need to change?
  - iii. Does the employee need an alternate work site/area?
  - iv. Does the employee need an escort to and from the building?
  - v. Does the employee need time off to secure medical or legal services or counseling, find new housing, attend court proceedings, participate in safety planning, or make other safety arrangements?

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- vi. Should the employees name be removed from the Agency Directory?
- d. Inform the employee that law enforcement will be contacted in the event of an incident where a perpetrator threatens the safety of the workplace.
- e. **Protect Employees Privacy:** Share safety plan only on a need to know basis.
- f. Review with Human Resources and/or AOC. Give a copy to the employee to keep if they wish; Implement immediately. Scan safety plan to HR asap.
- g. Immediately notify Manager, Director, AOC of any attempt the perpetrator makes to abuse the employee using company equipment (i.e. by phone, fax, email, etc).

### What is our legal responsibility?

- New York State has established that victims of domestic violence are now a protected class in the employment provisions of NYS Human Rights Law. This law prevents an employer from firing or refusing to hire any individual based on their status as a victim of domestic violence and prevents discrimination in compensation or in the terms, conditions or privileges of employment.
- New York State law makes it a crime for employers to penalize an employee who, as a victim or witness of a criminal offense, is appearing as a witness, consulting with a district attorney, or exercising his/her rights as provided in the Criminal Procedure Law, the Family Court Act, and the Executive Law. This law requires employers, with prior day notification, to allow time off for victims or subpoenaed witnesses to exercise his/her rights as provided in the Criminal Procedure Law, the Family Court Act, and the Executive Law.
- New York State law provides that a victim of domestic violence who voluntarily separates from employment may, under certain circumstances, be eligible for unemployment insurance benefits.

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## Workplace Safety Plan

Able2 wants to support employees and their safety in the workplace. Confidentiality will be maintained to the extent possible. Limitations may exist if it is determined that maintaining confidentiality puts the employee or others at risk of physical harm, is required by law, or deemed necessary to enforce an order of protection (OP).

**Please review with the employee and answer the following questions:**

- How can we best support you?  
\_\_\_\_\_  
\_\_\_\_\_
- Are you receiving threatening calls/emails at work? \_\_\_\_\_
- Are you being followed to work and/or is the individual coming to your worksite? \_\_\_\_\_
- Does the individual work/live in the same area of town where you work? \_\_\_\_\_
- Do you have an order of protection? \_\_\_\_\_
  - If yes, would you be willing to provide us a copy that we can keep in a confidential location (separate from your personnel records) should we need to produce this order if an event occurs at work? We also encourage you to keep a copy with you at all times.
  - Please provide a photo (or describe) the individual so it can be provided to receptionist and/or appropriate staff. \_\_\_\_\_
  - What make/model/color vehicle does the person drive? \_\_\_\_\_
  - Are you comfortable with us alerting others at your work site? \_\_\_\_\_

**When appropriate and with your agreement,** Able2 may be able to set up procedures for alerting security and/or police; Temporarily relocate you to another area/site; Alter your work schedule; Change your company e-mail address; Remove your name from the company directory; Screen your calls; Provide different parking options; Provide you with an escort to and from the building; Accommodate a voluntary transfer or permanent relocation to new worksite; and/or other options not listed.

Would you like us to consider any of the above accommodations? \_\_\_\_\_ If yes, please describe:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Printed Employee Name	Employee Signature	Date
Printed Supervisors/Manager Name	Signature	Date

**Supervisor: Implement immediate safety plan as you are able, alert your Director/Manager/AOC then give a copy to the employee and scan to [bergc@able-2.org](mailto:bergc@able-2.org)**