
Domestic Violence and the Workplace:

***A Handbook
for Employers***

INTRODUCTION

Domestic violence compromises the safety of thousands of New York State (NYS) employees every day, with tragic, destructive and often fatal results. This handbook 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.

It is recommended that all public agencies and private organizations develop and implement a domestic violence and the workplace policy.

Upon hire, all employees should receive and sign a copy of the policy, acknowledging that they have read the document and understand where to 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. When an organization provides all employees with domestic violence information as part of the standard hiring practice, employees who are being abused are less likely to feel singled out and may be more receptive to seeking assistance. Additionally, such a proactive approach to domestic violence in the workplace is a preventive effort and communicates to all employees that the employer 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.

An essential component of any domestic violence and the workplace policy should include contact information for local domestic violence service providers who specialize in assisting victims. These services are provided at no cost to the employee or the employer. Once identified, employees who need assistance should be connected with the local domestic violence service providers.

Why has domestic violence become a workplace concern?

Workplace Safety

- Employers must provide the safest workplace possible for victims of domestic violence and the entire workforce. This is particularly challenging when an employee is a victim of domestic violence, since, even though an abuser's primary victim is at greatest risk of harm, all the people with whom that victim comes into contact, including coworkers and professional acquaintances – are potential secondary victims.
- More than one million women and 371,000 men are victims of stalking in the U.S. each year.¹ Stalkers often follow the victim to the workplace, creating the potential for an unsafe work environment. In addition, the risk of violence often escalates when a victim leaves 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.

Domestic violence threatens company employees and poses a threat to the safety of the workplace.

It Affects Many Employees

- 1 in 4 women will experience some level of domestic violence in their lifetime.² Domestic violence also happens to men and occurs in same-sex relationships. While some male victims of domestic violence are abused by female partners, the majority of male victims are abused by other men. Learn more from the National Coalition Against Domestic Violence's handout, *Male Victims of Violence*, at <http://www.thehotline.org/2014/07/men-can-be-victims-of-abuse-too/>.
- More than one million people report a violent assault by an intimate partner every year in the U.S.³

1 U.S. Department of Justice, National Institute of Justice (2000). Full Report of the Prevalence, Incidence and Consequences of Violence Against Women. November, NCJ-183781.

2 Tjaden, Patricia & Thoennes, Nancy. National Institute of Justice and the Centers for Disease Control and Prevention, "Extent, Nature and Consequences of Intimate Partner Violence: Findings from the National Violence Against Women Survey," (2000).

3 U.S. Department of Justice, Bureau of Justice Statistics, (2000). Intimate Partner Violence. NCJ 178247.

- A phone survey by the Corporate Alliance to End Partner Violence (CAEPV) of 1,200 full-time American employees found that 21% of respondents identified themselves as victims of intimate partner violence and 44% of full-time employed adults personally experienced domestic violence's effect in their workplaces.⁴
- In a survey of senior corporate executives, 56% reported they were aware of an employee who has been affected by domestic violence.⁵

Security and Liability

- Employers must provide a safe work environment for all employees and can be held liable if they fail to do so. Jury awards for inadequate security suits average \$1.2 million nationwide and settlements average \$600,000.⁶
- Ninety-four percent of corporate security directors surveyed rank domestic violence as a high security problem at their company.⁷

Employers have a legal obligation to protect the rights of victims of domestic violence.

Health Care

- The Center for Disease Control and Prevention (CDC) reports “costs of intimate partner violence (IPV) against women alone in 1995 exceeded an estimated \$5.8 billion. These costs included nearly \$4.1 billion in the direct costs of medical and mental health care and nearly \$1.8 billion in indirect costs of lost productivity. When updated to 2003 dollars, IPV costs exceed \$8.3 billion, which included \$460 million for rape, \$6.2 billion for physical assault, \$461 million for stalking, and \$1.2 billion in the value of lost lives.”⁸
- Higher health care costs are passed on to all employees and employers in the forms of increased premiums and higher co-pays.

4 CAEPV National Benchmark Telephone Survey. 2005. Bloomington, IL: Corporate Alliance to End Partner Violence. Available at: http://www.caepv.org/getinfo/facts_stats.php?factsec=3

5 Patrice Tanaka & Company, Inc. (October 16, 2002). News Release: Corporate Leaders See Domestic Violence as a Major Problem That Affects Their Employees According to Benchmark Survey by Liz Clairborne, Inc. Contact Lauree Ostrofsky (212) 229-0500, x 236.

6 Perry, P. (1994). Assault in the workplace. *Law*, May 1, 41.

7 National Safe Workplace Institute Survey, as cited in Solomon, C.M. (1995). Talking frankly about domestic violence. *Personnel Journal*, 74, 64-66.

8 Center for Disease Control and Prevention at: <http://www.cdc.gov/violenceprevention/intimatepartnerviolence/consequences.html>

Performance & Productivity

- A study of female employees in Maine who experienced domestic violence found that:
 - 98% had difficulty concentrating on work tasks;
 - 96% reported that the domestic violence affected their ability to perform their job duties;
 - 87% received harassing phone calls at work;
 - 78% reported being late to work because of the abuse;
 - 60% lost their jobs due to domestic violence.⁹
- In a telephone survey from CAEPV:
 - 64% of the respondents who identified as victims of domestic violence indicated that their ability to work was affected by the violence:
 - 57% said they were distracted;
 - 45% feared that colleagues would find out;
 - 2 in 5 were afraid of their intimate partner’s unexpected contact (in person or by phone).¹⁰
- A study about women’s experiences with violence, based on a national telephone survey of 8,000 women, found that women experiencing physical intimate partner violence victimization reported:
 - An average of 7.2 days of work-related lost productivity; and
 - 33.9 days in productivity losses associated with household chores, child care, school, volunteer activities, and social/recreational activities.¹¹

9 Ridley, E, Rioux, J, Lim, KC, Mason, D, Houghton, KF, Luppi, F, Melody, T. 2005. Domestic Violence Survivors at Work: How Perpetrators Impact Employment. Maine Department of Labor and Family Crisis Services. Available at: http://mainegov-images.informe.org/labor/labor_stats/publications/dvreports/survivorstudy.pdf

10 CAEPV National Benchmark Telephone Survey. 2005. Bloomington, IL: Corporate Alliance to End Partner Violence. Available at: http://www.caepv.org/getinfo/facts_stats.php?factsec=3

11 Arias I, Corso P. 2005. Average Cost Per Person Victimized by an Intimate Partner of the Opposite Gender: a Comparison of Men and Women. *Violence and Victims*, 20(4):379-91.

What is domestic violence?

Domestic violence is often mischaracterized as family violence which can include the abuse of children by parents and the abuse of elderly or older parents by adult or

adolescent children. Domestic violence is also often referred to as intimate partner violence. However, for the NYS Domestic Violence and the Workplace initiative, Domestic Violence is defined as the following:

Victims may be controlled and terrorized and never be physically assaulted.

Domestic Violence is a pattern of coercive tactics, which can include physical, psychological, sexual, economic and emotional abuse, perpetrated by one person against an adult intimate partner with the goal of establishing and maintaining power and control over the victim.

What does it look like?

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

What does it 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
- Stress-related illnesses

- 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

If you see or suspect something, say something.

What can I do?

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,

Doing nothing sends the message that the workplace doesn’t care.

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.

It is important to note that not all employees will feel comfortable or able to help victims in the same way. It is ok to feel unprepared or unsafe when you think about reaching out to a victim of domestic violence. Employers should identify an employee (or several employees) who has had some domestic violence training as a “go to” person in the domestic violence and the workplace policy. This person should be available if one employee has concerns about the safety of another employee.

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.”
 - “It sounds like you have good reason to be afraid”
 - “Help is available. I’d like to help if I can.”
- Refer the employee to the local domestic violence service provider and to an employee assistance program if one is available.
- Provide support for the employee’s decision. Don’t judge the success of your intervention by the employee’s action and remember that there are risks attached to every decision a victim makes. Be patient and respectful of a victim’s decisions, even if you don’t agree with them.
- Provide them with a copy of Finding Safety & Support (www.opdv.ny.gov/publications/index.html). This is a comprehensive guide for survivors and helpers with up-to-date information about adult domestic violence, safety planning, and getting help from domestic violence services, the police, and the courts.

Safety planning is essential. Develop a workplace safety plan and refer the employee to your local domestic violence service provider.

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 to have a safety plan in place prior to leaving. 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.
- Don’t ask questions that judge the employee’s choices:
 - Why don’t you just leave?
 - Why did you go back?
 - Why did you wait so long?

Remember, leaving can be very dangerous and may not be the best immediate choice.

- 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.

Why doesn't the employee leave the situation?

Many people who are abused by their intimate partners don't want the relationship to end, they want the abuse to end. Even under the best of circumstances, it is not easy to end a relationship with an intimate partner.

Living with the trauma of domestic violence, victims are often trapped by circumstances, feelings, thoughts and social norms.

No place to go...**this is normal, all relationships are like this...** my partner is a good provider...**leaving job/finding new employment...**fear of serious physical harm to self, family, friends, pets...**want the abuse to end, not the relationship to end...**no affordable child care...**no affordable housing, medical benefits...**Never hits me, IT ONLY HAPPENS WHEN MY PARTNER DRINKS, IS STRESSED, ETC...Court costs...**suicide threats... Custody/visitation concerns...** £89£...VALUE SYSTEM/RELIGION/CULTURE... **Children may have to change schools, leave their home, their "stuff," their pets and their friends...** FEAR THAT HARM WILL COME TO THE ABUSIVE PARTNER...**AGE...System failures (social services, law enforcement, courts)...**Family/Social pressure to stay...HOPE THAT IT WON'T HAPPEN AGAIN...Children blame non-offending parent... It's my fault, so I can fix it...**Disability...Immigration concerns...**I don't want my partner to lose their job...**Embarrassed... this is what I deserve...no one will believe me...OVERWHELMED...**ashamed, my partners family will disown me,...*The police won't be able to keep my abuser in jail and it will be worse when they come home...*FEAR...**Exhausted...I can't make it on my own...**Failure...Addiction.....

Love, family, shared memories and commitment are bonds that are hard to break.

There are risks attached to every decision a victim of domestic violence makes and the risks of leaving often outweigh the risks of staying. Seeking help or deciding to leave only makes sense to a victim when it reduces the overall risks to the victims and their family.

You may never fully understand all the factors that go into a victim's decision to remain with an abuser, but offering unconditional support and assistance is something you can do regardless of whether the victim and abuser remain together.

Who are domestic violence service providers?

The good news is that the workplace does not need to be an expert in domestic violence. In NYS there are professionals—local domestic violence service providers—in every county. These programs are free and confidential to everyone seeking assistance, and providers are available to assist employees in developing a personal safety plan whether they are planning to stay with their partner or leave their partner. Safety planning is a process of evaluating the risks and benefits of different options and identifying ways to maximize safety and minimize risk.

In addition to emergency hotlines, local domestic violence programs also offer:

- Shelters and emergency housing;
- Counseling and support groups;
- Services for children;
- Emergency transportation;
- Assistance initiating services such as health insurance and SNAP;
- Help getting medical care, legal services;
- Help with housing, furniture and clothing;
- Help finding employment;
- Assistance with the completion of Crime Victims Assistance compensation forms.

Employees can utilize program services even if they remain in the home with their partner.

To locate the local domestic violence service provider in your county visit www.nyscadv.org/find-help/program-directory.html or call the NYS Domestic and Sexual Violence Hotline at 1-800-942-6906.

You don't have to be an expert in domestic violence. You just need to refer employees to the people in the community who are!

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. [Executive Law § 296(1)(a)]
- 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 [Penal Law §215.14].
- 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. [§593 of NYS Labor Law]

Domestic violence and the workplace policy

Why do organizations such as government agencies, not-for-profit service providers, businesses and other groups need a formal policy on domestic violence? Domestic violence victims

and perpetrators can be found in an organization's client population, staff and stakeholders, whether or not they are formally

Having a formal policy lets employees know that you have a plan in place to assist victims.

identified. For some organizations, identifying domestic violence victims and perpetrators, and working with them, is part of their daily mission. For others, domestic violence may be a hidden problem, and the individuals, whether they are clients or staff, less identifiable. Whatever the case, if organizations lack awareness of how to identify domestic violence, and do not create guidelines and policies for how to respond appropriately, they can unwittingly endanger and isolate both clients and staff, as well as inadvertently enable abusive behavior. The New York State Office for the Prevention of Domestic Violence (OPDV) strongly recommends that every workplace develop a Domestic Violence and the Workplace policy. This will communicate workplace practices that will promote safety in the workplace and respond to the needs of victims of domestic violence. In addition it will set a tone by communicating that domestic violence will not be tolerated and that information and support will be provided to all employees.

Policies should include the following:

- **Policy Statement** – Outline the purpose of the policy and the commitment of the company to uphold the policy.
- **Definitions** – Clearly define the domestic violence terms used throughout the policy.
- **Employee Awareness** – State what the employer will do to make certain that employees have the information they need about domestic violence and the company policy.
- **Non-Discriminatory and Responsive Personnel Policies for Victimized Employees** – Mention NYS laws that protect victims of domestic violence, and develop company policy on things such as documentation, performance issues directly related to domestic violence, and time and attendance issues.

- **Workplace Safety Plans**

- Emergency Workplace Safety Plan – Develop a clear statement on what is expected of employees if they witness violent or threatening behavior on company property.
- Personal Workplace Safety Plan – Outline what the company is willing to do, with the input of the employee, to assist them with safety issues in the workplace.
- Provide clear directions/information about how orders of protection will be handled.
- **Accountability for Employees Who Are Offenders** – Develop a clear accountability statement for employees who use company resources to commit an act of domestic violence, negatively affect victims, or assist perpetrators.
- **Firearms** – If any company employees carry firearms, include relevant NYS and federal laws.
- **Training** – Outline the domestic violence training plan for company employees.
- **Company Responsibility** – Clear statement regarding confidentiality for the victim and the information shared.

A Model Domestic Violence and the Workplace Policy for Private Business can be found at www.opdv.ny.gov/professionals/workplace/privatepolicy.html

For technical assistance with policy development, NYS businesses should contact OPDV at opdvworkplace@opdv.ny.gov

Workplace Safety Plan Meeting

Upon notification that an employee is in need of a workplace safety plan, and/or upon submission of an order of protection (OP), the appropriate staff person(s) will meet with the employee to assist with the development and implementation of an individualized workplace safety plan.

The Guidelines on the following pages will assist employers with that meeting.

Domestic Violence and the Workplace Safety Plan Meeting Guidelines

In accordance with the Domestic Violence and the Workplace Policy, all efforts will be made to assist an employee who comes forward with a domestic violence issue.

ADVISE	<p>ADVISE THE EMPLOYEE THAT:</p> <ul style="list-style-type: none">• The agency/company wants to support them and enhance 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 victim or others at risk of physical harm, is required by law, or deemed necessary to enforce an order of protection (OP). Disclosures will be kept to a minimum to ensure safety, and the employee will be notified of any disclosures that occur. (See policy for additional confidentiality guidelines.)
ASK	<p>ASK THE EMPLOYEE:</p> <ul style="list-style-type: none">• 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 in the same agency/company and/or building?• Do you have an order of protection? If yes:<ul style="list-style-type: none">• Review the agency/company OP procedure with the employee and encourage them to always keep a copy of the OP with them.• Ask if they want to provide a photo of the individual so that it can be provided to security and/or appropriate staff.• Ask if they would like someone within their worksite to know about the situation to better assist them should the need arise.• Ask the employee to notify you immediately if there are any changes, including cancellation or expiration, of the OP.

DISCUSS	<p>DISCUSS POSSIBLE OPTIONS. When appropriate and with the employee’s agreement, the agency/company may be able to:</p> <ul style="list-style-type: none"> • Set up procedures for alerting security and/or police. • Temporarily relocate the employee to a secure area. • Alter the employee’s work schedule. • Change the employee’s email address. • Change the employee’s phone number/block number/ screen calls. • Reassign the employee’s parking space. • Provide the employee with escorts to and from the building. • Accommodate a voluntary transfer or permanent relocation to new worksite. <p>Please consult policy for additional guidelines on providing options.</p>
CONFIRM	<p>CONFIRM that the employee has been referred to Employee Assistance AND to their local domestic violence service provider. Offer the employee a copy of Finding Safety & Support. (Be certain to point out the risks of the offending individual finding the publication.)</p>
DOCUMENT	<p>DOCUMENT details of your discussion and the components of the agreed-on safety plan.</p>
FILE	<p>FILE the OP in accordance with agency/company Domestic Violence and the Workplace Policy, and file documented notes in a separate file in a secure location.</p>

The New York State Office for the Prevention of Domestic Violence (OPDV) is available to assist you with domestic violence policy development and domestic violence and the workplace training. In addition, OPDV will provide technical assistance for any domestic violence issues that arise in the workplace. For more information please contact dvworkplace@opdv.ny.gov, or call 518-457-5800.

If it is determined that an employee is utilizing agency/company resources to victimize anyone, consult management.

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1-800-942-6906

NYS Domestic & Sexual Violence Hotline

CONFIDENTIAL

24 HRS/7 DAYS

English & español, multi-language accessibility
711: Deaf or Hard of Hearing

In NYC: 311 or 1-800-621-HOPE (4673)
TDD: 1-800-810-7444

The Hotline responds to and is a resource for victims of domestic and sexual violence, concerned others, and professionals, 24 hours a day, seven days a week. Funded by the New York State Office for the Prevention of Domestic Violence, the hotline provides trained counselors who respond to a variety of service needs, including: crisis intervention, supportive counseling, information and referral services, and technical support to providers. Call the Hotline to find domestic violence programs by county or get a list online here:

<https://www.nyscadv.org/find-help/program-directory.html>

New York State Office for the Prevention of Domestic Violence

(518) 457-5800 Fax (518) 457-5810

www.opdv.ny.gov

To order additional copies of this handbook, and/or Finding Safety & Support, visit <http://www.opdv.ny.gov/publications/materialslist-order.html>



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Prevention of
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