

***SAFETY AND SECURITY AT WORK:
COMMITMENT, CHANGES, AND
CHALLENGES IN THE U.S. RESPONSE TO
THE WORKPLACE IMPACT OF DOMESTIC
AND SEXUAL VIOLENCE***

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FUTURES WITHOUT VIOLENCE



Objectives

At the end of this presentation, you will better be able to:

1. Discuss federal and state laws and policies that apply to survivors and their employment in the U.S., including non-discrimination laws, accommodations and leave, and unemployment insurance;
2. Describe promising workplace initiatives in the U.S. that enhance workplace responses to violence and engage in prevention and collaboration with community partners;
3. Access and utilize resources that address violence in the workplace.

Prevalence: U.S.

- Homicide is a leading cause of death on the job for women. (CRISP Report 2008 and US Dept of Labor 2012)
 - Nearly 33% of women killed in U.S. workplaces between 2003-2008 were killed by a current or former intimate partner (NIOSH 2012)
 - 77% of workplace homicides occur with firearms
- Nearly 1 in 5 women have been raped in their lifetime, while 1 in 71 men have been raped in their lifetime (CDC 2011)
- 1 in 6 women and 1 in 19 men have been stalked at some point in their lifetime (CDC 2011)
- In all 3 forms of violence, the vast majority of victims knew the perpetrators

Workplaces Respond National Resource Center

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- ❑ Created and funded by U.S. Department of Justice, Office on Violence Against Women
- ❑ Addresses domestic and sexual violence and stalking (prevention and response)
- ❑ Audience is non-traditional stakeholders: employers and unions
- ❑ Focus on vulnerable/underrepresented workers

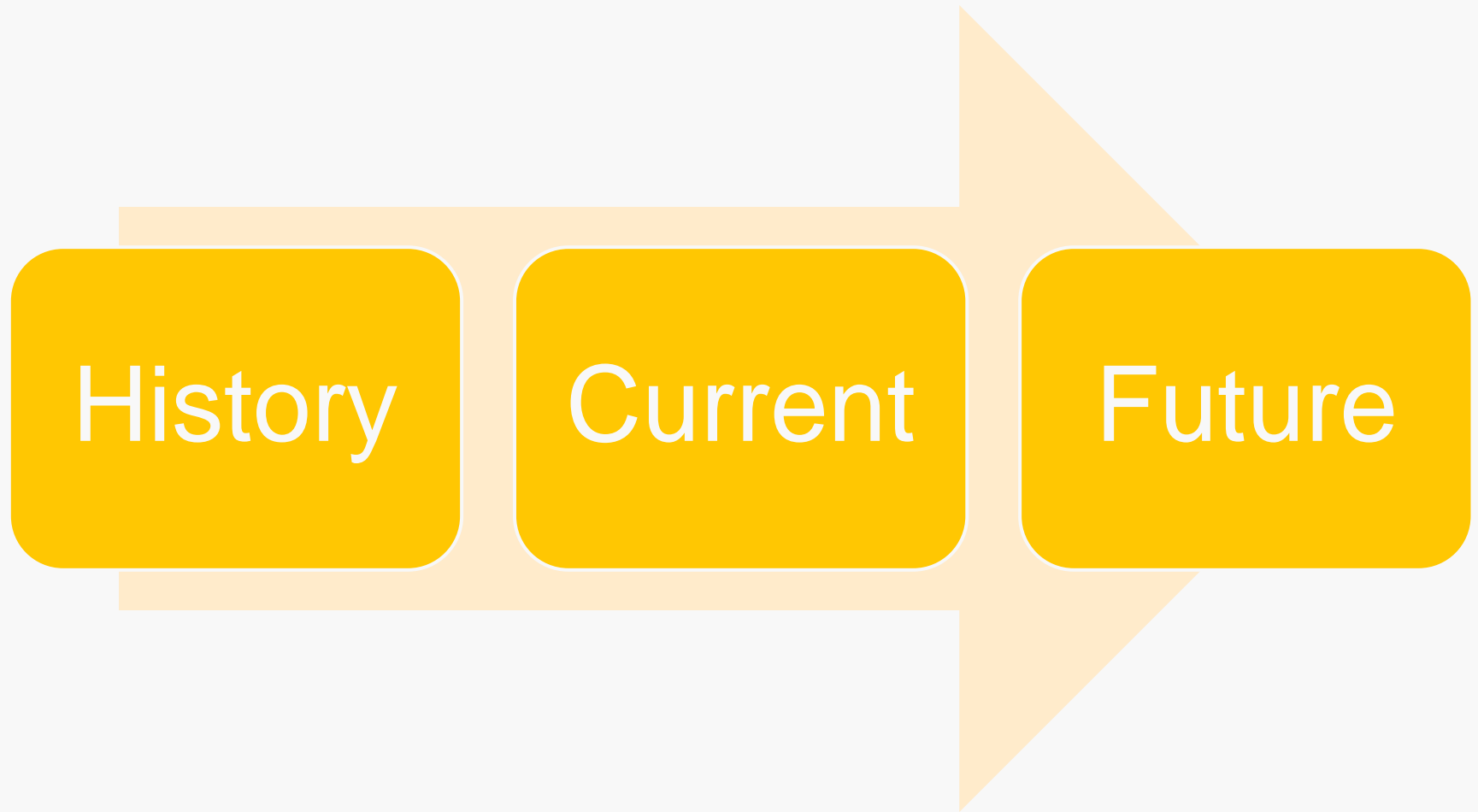
Workplaces Respond Partners

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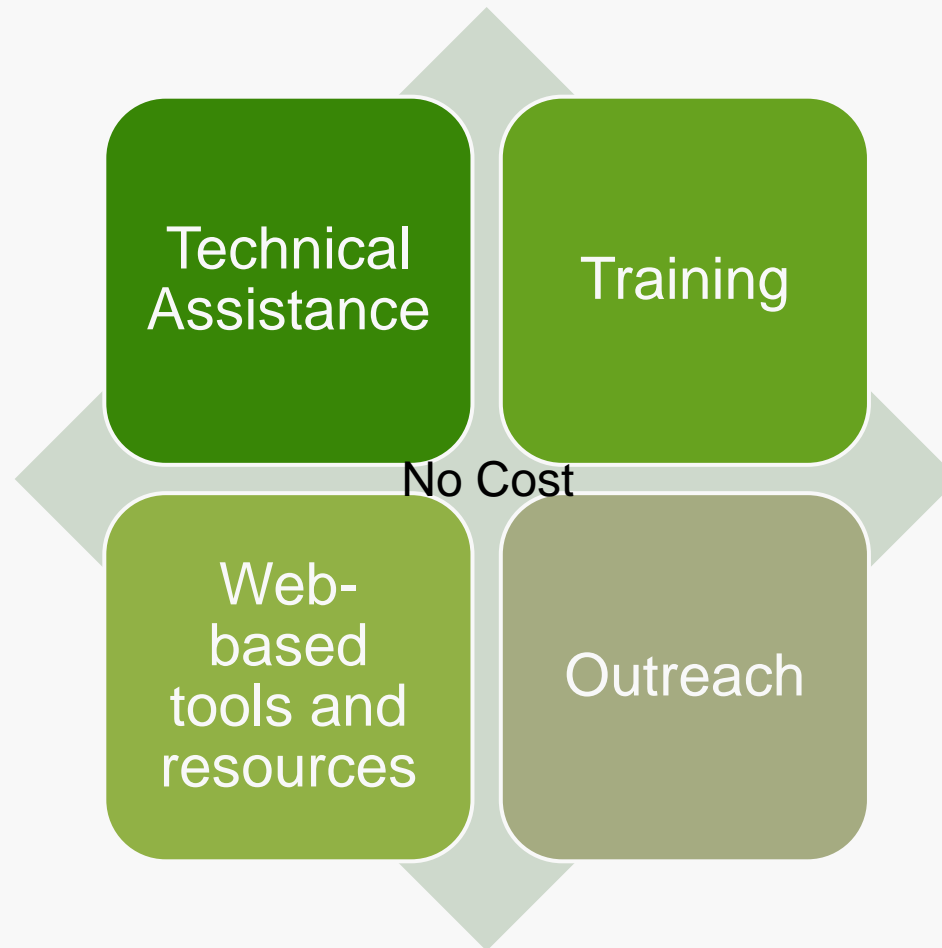
Workplaces Respond Development

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Workplaces Respond Components

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Presidential Memo re: Federal Agencies 4/18/2012

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“As the Nation's largest employer, the Federal Government should act as a model in responding to the effects of domestic violence on its workforce.”

www.workplacesrespond.org
twitter.com/WorkplaceNRC
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www.workplacesrespond.org

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Learn Assess Implement Evaluate Resources

WORKPLACES RESPOND TO DOMESTIC & SEXUAL VIOLENCE
A National Resource Center

WORKPLACES SPEAK UP
How Employers and Labor Organizations Respond

October is Domestic Violence Awareness Month

Given the prevalence of domestic violence in the United States, your employees, co-workers and customers or clients could be affected and need help. Employers and unions play an important role in connecting victims to assistance and addressing the workplace impact of violence. Take this opportunity to make a difference! [Read more](#)

Create a Policy

Use our tool to create a policy for your organization that follows best practices.

Create a Policy

Take the Quiz

How much do you know about violence and its effects on the workplace? Take our quick quiz and find out.

Take the Quiz

Commit to Act

We – employers, unions, labor organizations – commit to intensify our role in ending domestic and sexual violence in our workplace.

Commit to Act

Information on:

- Workplace Violence
- Guns and the Workplace
- Protection Orders
- Union Responses

I would like to...

- ▶ Interact with a virtual employee
- ▶ Create a workplace policy
- ▶ Learn about the cost of sexual violence
- ▶ Identify security concerns

HOME LEARN ASSESS IMPLEMENT EVALUATE RESOURCES

2:14 PM 10/10/2012

Quiz

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The screenshot shows a web browser window with the URL <http://www.workplacesrespond.org/assess/assess-your-knowledge>. The page features a yellow header with the logo for "WORKPLACES RESPOND TO DOMESTIC & SEXUAL VIOLENCE" and a navigation menu with options: Home, Keep Informed, About Us, What's this, ESCAPE, a search bar, and social media links for Facebook, Twitter, and YouTube. Below the header, a secondary navigation bar includes "Learn", "Assess", "Implement", "Evaluate", and "Resources". The main content area is titled "Domestic and Sexual Violence in the Workplace" and displays "Question 1 of 10". The question asks: "What percentage of employed battered women is harassed at work by abusive partners?" The options are: "Less than 7 percent", "Less than 20 percent", "More than 40 percent" (which is selected), and "More than 70 percent". A feedback box indicates "GOOD JOB!" and "CORRECT ANSWER: More than 40 percent", followed by explanatory text and a citation from the U.S. Gen. Accounting Office. A "Next" button and a "Send to a friend" link are also visible. The browser's taskbar at the bottom shows various application icons and system information like "99%" battery and "2:22 PM 10/10/2012".

Interactive Training Exercise

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The screenshot displays a web browser window with the URL www.workplacesrespond.org/implement/education-and-training/interact. The page features a yellow and white color scheme. At the top left is the logo for "WORKPLACES RESPOND TO DOMESTIC & SEXUAL VIOLENCE" with the tagline "A National Resource Center". To the right of the logo is a "GET HELP" button and a search bar. Below the logo is a navigation menu with tabs for "Learn", "Assess", "Implement" (which is highlighted), "Evaluate", and "Resources".

On the left side, there is a sidebar menu under the heading "Implement". The menu items are: "Workplace Policy Creation Tool", "Programs for Awareness", "The Benefits of an EAP", "Guide for Advocates", "Guide for Supervisors", "Union Responses", "Education and Training" (which is expanded to show "Training and Education Methods", "Tips for Effective Workplace Education", "Domestic Violence Content", and "Training Exercise").

The main content area is titled "Training Exercise: Interact with a Virtual Employee" and "A Supervisor Responds to an Employee's Experiences of Violence". Below the title, it states: "As a result of this exercise, you will be better able to:" followed by three bullet points:

- ➔ Respond to and assist victims of domestic and sexual violence who work for you;
- ➔ Address performance issues that may occur as a byproduct of the violence;
- ➔ Create an organizational culture that supports victims of violence in order to promote a safe and productive workplace.

Below the list is a button labeled "Begin the training exercise" and a link "Send to a friend".

The Windows taskbar at the bottom shows the system tray with a battery level of 99% and the date/time 2:37 PM 10/10/2012.



Implement

- ➔ Workplace Policy Creation Tool
- ➔ Programs for Awareness
- ➔ Union Responses
- ➔ Education and Training
 - ▶ Training and Education Methods
 - ▶ Tips for Effective Workplace Education
 - ▶ Domestic Violence Content
 - ▶ Training Exercise: Interact

Your Employee

Linda

Linda has worked for you at the copy/print store for the past three years. She has been a mostly reliable employee who sometimes comes to work late, but gets along well with the other employees and clients. You know that Linda recently had a messy breakup with James, the father of her two year old son.

One day Linda comes to work two hours late, and you notice that she looks like she's been crying. This is the second time in two weeks that Linda has been late. You ask her to step into the back room to talk. You close the door and ask Linda why she keeps coming in late. She apologizes, and says that she had car trouble.

? Do You:

- ➔ Remind her that she should call you if she's running late, give her a second warning, and tell her to start her work. She says she will and leaves.
- ➔ Remind her that she should call you if she's running late, give her a second warning, mention that she seems upset and ask if you can help with anything.

☑ Send to a friend

Union Resources

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The screenshot shows a web browser window displaying the website www.workplacesrespond.org/implement/union-responses. The page features a yellow header with the logo "WORKPLACES RESPOND TO DOMESTIC & SEXUAL VIOLENCE" and the tagline "A National Resource Center". Navigation tabs include "Learn", "Assess", "Implement" (highlighted), "Evaluate", and "Resources". A sidebar on the left lists various resources under the "Implement" section, with "Union Responses" selected. The main content area is titled "Union Responses: Making a Difference" and includes a sub-heading "Why are domestic and sexual violence and stalking union issues?". The text explains that these issues are serious and preventable, and provides statistics from a 2009 Department of Justice study. A list of five bullet points describes common workplace scenarios involving violence and stalking. At the bottom, there are links to fact sheets and a footer with a navigation link "What can Unions do?".

WORKPLACES RESPOND TO DOMESTIC & SEXUAL VIOLENCE
A National Resource Center

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Learn Assess **Implement** Evaluate Resources

Implement

- Workplace Policy Creation Tool
- Programs for Awareness
- The Benefits of an EAP
- Guide for Advocates
- Guide for Supervisors
- Union Responses**
 - What Can Unions Do?
 - Regional and National Initiatives
 - Policy and Contract Language
 - Education, Training and Support
 - Members Who Perpetrate Violence
- Education and Training

Union Responses: Making a Difference

Why are domestic and sexual violence and stalking union issues?

Like many other workplace health and safety issues that unions tackle for the benefit of their members, domestic and sexual violence and stalking are serious, recognizable and preventable problems.

Domestic and sexual violence and stalking affect the safety and productivity of the workplace – which makes them a union concern. And, like many of the other workplace health and safety issues that unions tackle for the benefit of their members, violence is a serious, recognizable and preventable problem that affects a significant number of union members – both as victims and perpetrators of such violence.

- A recent Department of Justice study found that 63% of the rapes/sexual assaults experienced by female victims were committed by non-strangers such as intimate partners, friends, and family members.¹ Rape exacts the highest costs per crime victim of any criminal offense: \$127 billion per year.²
- A recent Department of Justice study reports that 85% of victims of domestic violence are female and 15% are male.³
- One in twelve women has been stalked in her lifetime.⁴ The overwhelming majority of victims are women (78 percent), and the majority of offenders (87 percent) are men.⁵

Many employers lack an understanding of the dynamics of domestic and sexual violence and stalking and react in non-supportive or even discriminatory ways when violence becomes a workplace issue. Consider the following types of members' needs and whether your union is prepared to respond:

- A member went on a date with a person who now unrelentingly stalks him or her at work, and the employer terminates your member to avoid a workplace security risk.
- A perpetrator repeatedly prevents a member from leaving the house in the morning and the member is on final warning for tardiness and absenteeism.
- A member who works at a luxury hotel is sexually assaulted by a hotel guest.
- Another member goes to her steward explaining that she and her ex-partner, who is also a member of the union, work together at the same facility. She has received an Order of Protection requiring that the ex-partner remain at least 500 feet away at all times.

For statistics on why domestic and sexual violence and stalking is a workplace concern, see fact sheets on [Violence and the Workplace](#), [Impact of Violence](#), and [Costs of Sexual Violence](#) on this website.

1. U.S. Dept of Justice, Bureau of Justice Statistics, Criminal Victimization, 2008 (2009).
2. Nat'l Institute of Justice, Extent and Costs of Crime Victimization: A New Look (1996).
3. Callie Marie Rennison & Sarah Welchans, U.S. Dept of Justice, Bureau of Justice Statistics, Intimate Partner Violence (2003).
4. Patricia Tjaden & Nancy Thoennes, Nat'l Institute of Justice, Stalking in America (1996).
5. Id.

What can Unions do? →

Resources

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The screenshot shows a web browser window displaying the 'Resources' page of the Workplaces Respond to Domestic & Sexual Violence website. The browser's address bar shows 'www.workplacesrespond.org/resources'. The website header includes a navigation menu with 'Home', 'Keep Informed', 'About Us', and 'What's this', along with a 'GET HELP' button and a search bar. A secondary navigation bar contains 'Learn', 'Assess', 'Implement', 'Evaluate', and 'Resources' (the active page). The main content area features a 'Resources' section with a descriptive paragraph and a list of links: 'Resources Specific to the Workplace', 'Domestic Violence Resources', 'Sexual Violence Resources', 'Stalking Resources', 'Teen Dating Violence', 'Legal Resources', 'Government Online Resources', and 'Consultation Resources'. Below this is a section for 'Resources Specific to the Workplace' with a 'Back to top' link. Two featured organizations are listed: the 'Coalition of Labor Union Women Center for Education and Research' and the 'Colorado Bar Association Domestic Violence: Make It Your Business'. A third section, 'Corporate Alliance to End Partner Violence', is partially visible at the bottom. On the right side, there are two callout boxes: 'Information on:' with a list of topics (Workplace Violence, Guns and the Workplace, Protection Orders, Union Responses) and 'I would like to...' with interactive options (Interact with a virtual employee, Create a workplace policy, Learn about the cost of sexual violence, Identify security concerns). The browser's taskbar at the bottom shows various application icons and system tray information including the time '2:39 PM' and date '10/10/2012'.

Resources

Workplaces Respond to Domestic and Sexual Violence is A National Resource Center that provides information, resources, partnership and guidance in developing innovative and collaborative prevention programs, including development resources for employers.

- [Resources Specific to the Workplace](#)
- [Domestic Violence Resources](#)
- [Sexual Violence Resources](#)
- [Stalking Resources](#)
- [Teen Dating Violence](#)
- [Legal Resources](#)
- [Government Online Resources](#)
- [Consultation Resources](#)

Resources Specific to the Workplace

[Back to top](#)

Coalition of Labor Union Women Center for Education and Research
A national organization for union women, focusing on a variety of concerns relevant to working families, including domestic violence.

1126 16th Street, NW
Washington, DC 20036
Phone: 202-466-4615
Fax: 202-776-0537
Website: www.cluw.org

Colorado Bar Association Domestic Violence: Make It Your Business
A project of the Colorado Bar Association to help Colorado workplaces learn the facts about domestic violence, its impact on the workplace, and to create safer and better prepared workplaces. The project offers training materials for employers for purchase and resources on its website.

Website: <http://www.cobar.org/page.cfm/ID/20121/>

Corporate Alliance to End Partner Violence
A national nonprofit organization supporting employers and organizations to address partner violence at work, from policies and programs to legal issues and legislation.

2416 East Washington Street, Suite E

Information on:

- Workplace Violence
- Guns and the Workplace
- Protection Orders
- Union Responses

I would like to...

- ▶ Interact with a virtual employee
- ▶ Create a workplace policy
- ▶ Learn about the cost of sexual violence
- ▶ Identify security concerns

Policy Creation Tool

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The screenshot shows a web browser window with the URL www.workplacesrespond.org/policy_tool/begin. The page features a yellow header with the logo for 'WORKPLACES RESPOND TO DOMESTIC & SEXUAL VIOLENCE' and a navigation menu with tabs for 'Learn', 'Assess', 'Implement', 'Evaluate', and 'Resources'. The 'Implement' tab is active.

Navigation: Home | Keep Informed | About Us | What's this → ESCAPE
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Left Sidebar (Create Your Policy):

- 1. Purpose
- 2. Definitions
- 3. Persons Covered By the Policy
- 4. Statement of Confidentiality
- 5(a)(i): Responses to Victims: Nondiscrimination and Non-Retaliation
- 5(a)(ii): Responses to Victims: Leave and Other
- 5(a)(iii): Responses to Victims: Access to UI
- 5(a)(iv): Responses to Victims: Work Performance
- 5(a)(v): Responses to Victims: Protection and Restraining Orders
- 5(b): Responses to Employees Concerned about Violence
- 5(c): Responses to Workers Who Commit Violence
- 6. Reporting and Referrals
- 7. Other Policies
- Education and Resources
- Other Matters to Consider

Main Content Area:

Create Your Policy

Dating violence, domestic violence, sexual assault and stalking have effects not just in the home, but also in the workplace. Violence affects not only employees who are victims, but also co-workers, managers, and employee perpetrators. It also impacts employees' attendance, productivity, health care costs, morale, and safety.

A policy addressing the workplace effects of domestic and sexual violence is an important step in tackling these issues; it creates a roadmap for employers and managers to respond in supportive, safe and effective ways.

This tool will help you create a workplace policy by guiding you through a series of questions. It will offer you a choice of model language based on a promising practice (which has the most protective language for employees) or, if applicable, language based on the law in your state or locality. With either choice you will be in compliance with the relevant law. In some jurisdictions, specific laws do not exist for each issue this policy covers, then you will only see the "promising practice" as a choice.

It should take you about 15-20 minutes to complete, and you will be able to download the policy and save it on your computer at the end of the process. You will also receive a checklist of additional matters to consider.

First, we'll need some information about your organization.

Organization name: *

Contact Name: *

Contact Location: *

State/Locality where you do business: *
select...

* If your organization operates in more than one state or locality, for now just pick the place where you are headquartered or do the most business.

Policy Effective Date: *
Oct 10 2012

The date upon which your new policy will go into effect.

Information on:

- Workplace Violence
- Guns and the Workplace
- Protection Orders
- Union Responses

I would like to...

- Interact with a virtual employee
Training Exercise: Interact with a Virtual Employee
- Create a policy
- Learn about the cost of sexual violence
- Identify security concerns

Footer: www.workplacesrespond.org/implement/education-and-training/interact | Policy

Policy Creation Tool

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- Domestic and sexual violence and stalking
- Originally, considered cornerstone of the website
- Created to address a pervasive gap
 - Over 70% of U.S. workplaces do not have a policy
 - Lack of federal laws specific to this issue imposing requirements

Policy Creation Tool

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Accounts for state and local law and legal rights and obligations

Accounts for size of employer

Accounts for service workers/non-service workers

Complements other workplace policies

Educates users about and encourages use of promising practices

Legal Framework in the US

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No federal laws specific to this issue

Relevant federal employment/workplace laws:
Title VII, ADA, FMLA, OSHA

Presidential memo and federal policy guidance
(Dec. 2012)

State laws and policies specific to this issue

Firearms

Relevant Federal Laws

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- **Title VII of Civil Rights Act of 1964:** employment discrimination (sex, race, etc)
 - 15+ employees
- **Americans With Disabilities Act:** employment discrimination based on disability
 - 15+ employees
- **Family and Medical Leave Act:** unpaid job-protected leave for medical condition
 - 50+ employees
 - Time worked requirement (12 months/1250 hrs)
- **Occupational Safety and Health Act:** general duty clause

Relevant Policies and State Laws

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- Existing workplace policies
- Relevant laws
 - Non-discrimination
 - Reasonable accommodations
 - Time off/leave
 - Unemployment insurance benefits
 - Protection orders

Existing Workplace Policies/Protocols

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Nondiscrimination

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Protection from firing, or refusal to hire someone just because they are a survivor

- DV, SA, stalking
- Actual or perceived
- Employer size
- Acts of abuser
- Proof requirements

Accommodations and Leave

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What does “reasonable accommodation” mean?

24

Changing telephone extensions

Changing hours or shift

Transfer

Changing work location or entry/exit points

Time off

Security escort

Structural modifications

Unemployment Insurance

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- Leaving work was necessary to protect themselves or family from domestic violence, sexual assault or stalking
- 40 states by statute or practice
- Some states just DV; others DV and stalking; some DV, SA and stalking

Protection Orders in the Workplace

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- Employee obtains a protection order against a non-employee
- An employee obtains a protection order against a co-worker
- An employee has a protection order issued against him or her.
- The employer obtains a general restraining order against a person
- The employer obtains a protection order on a victim-employee's behalf

Protection Orders in the Workplace

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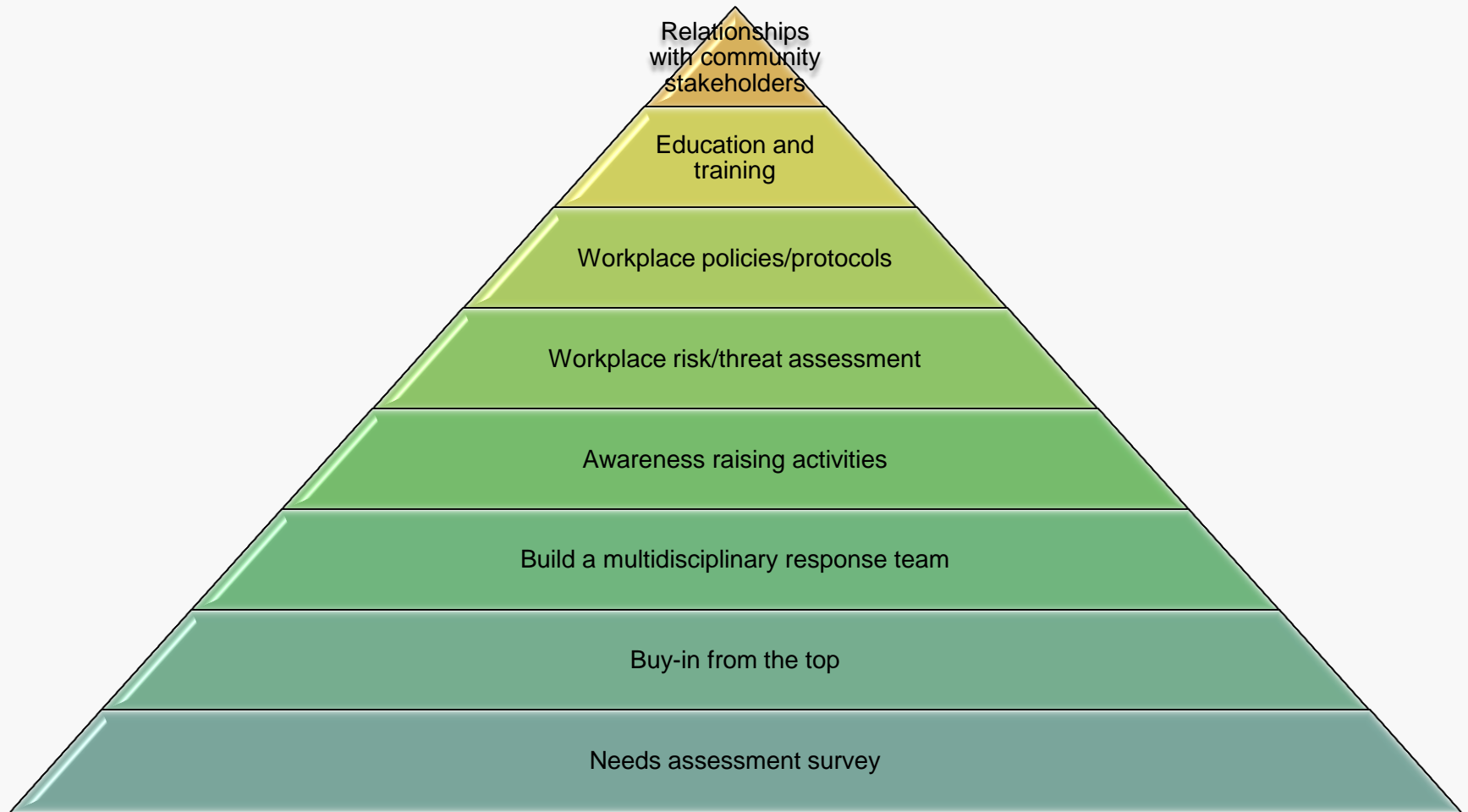
- Employer Response to Employee/Victims
 - Macro-level
 - Individual
- Employer Response to Employee/Respondent
 - Macro-level
 - Individual
- Considerations re Employer as Petitioner



- Policy is only one stop of a process; and not the first step.
- Workplaces need to cultivate the infrastructure first.

Prevention Framework

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Changing Workplace Culture

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Information is the best tool

Support/assistance for victims

Accountability/consequences for perpetrators

Role of co-workers as “upstanders”

Support of the CEO/Owner

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- Essential to allow use of time, money, to address the issue
- Making the business case – statistics/research on the costs to business, liability issues, legal requirements, corporate social responsibility, diversity, etc.
- Employee survey results
- Partnering with peers and trade/business associations

Adapted from CAEPV, *S2 Blueprint For Action* (Nov. 7, 2008)

Multidisciplinary Response Team

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- Essential to proactive, comprehensive action
- If the workplace faced an incident, who would become involved?
 - HR, EAP, legal, security, union, others
- Meeting to discuss each dept's roles and responsibilities

Awareness Raising Activities

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- Posters/information about services/referrals
- Employee needs assessment survey
- EAP standardized assessment tool for eliciting information regarding DV, SV, stalking (victims and perpetrators)
- Lunchtime talks to raise awareness and recognize if someone may need assistance – 3Rs (recognize, respond, refer)
- Quiz at www.workplacesrespond.org

Workplace Risk/Threat Assessment

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- Conducted by security
- Can be part of employee survey
- Issues
 - Access to public areas
 - Working late at night
 - Isolated areas
- Protocols for security, e.g. firearms...

Special Issues: Firearms

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- Does the workplace have a policy that addresses weapons, or includes the prohibition of weapons, if permitted by law and if reasonable in light of the specific workplace?
- Are there security measures designed to lessen the risk of firearm related violence in the workplace?

Recommendations re Firearms

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Develop, publicize and enforce a workplace violence prevention policy

Conduct a risk assessment in the workplace

Enforce a no-weapons policy, if permitted by law

Take administrative and environmental precautions: initiate security measures generally and take special precautions on a case by case basis, i.e., an employee obtains a PO and notifies the workplace

Security measures should complement an employee/victim's safety planning

Education and Training

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Partnership with Community

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- Local service providers
 - Can be integrated into companies' referral network
 - Can do joint awareness-raising trainings/presentations or be a resource for companies
 - Can assist with victim safety planning to include workplace
 - Can help employees with documentation for leave or other workplace changes
- Law enforcement
 - Emergency response
 - Enforcing orders of protection which cover workplace
- Court system
- Health care providers

Other Initiatives in the US

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- Cornell University Worker Institute (unions)
- Employers Against Domestic Violence (Boston)
- Georgia
- Maine
- Make It Your Business (Colorado)
- Standing Firm (SW Pa)
- Vermont