

Webinar Handout Materials - January 16, 2008

2- 3 pm EST

Domestic Violence in the Workplace: Protecting Your Staff and Your Nonprofit

Scene: Your nonprofit. Situation: The phone rings. Your administrative assistant tells you she/he is not coming in today.

This isn't the first time this has happened. This employee has missed a few days here and there due to "illness" or "doctors visits," but this is the first time she/he has been absent with no reason provided.

You're running a small nonprofit and every absence is a day of lost productivity. Perhaps this employee has used every day of accrued leave for which she/he is eligible. You think it's time to have a serious sit-down to let this employee know that these absences are no longer tolerable.

Domestic violence may not leap immediately to mind. Then she/he tells you: "My partner hit me." or "My child's being abused." You have just discovered that your employee is a victim of domestic violence. What do you do?

If it hasn't happened at your nonprofit yet, feel lucky. Domestic violence spills over into the workplace in the form of reduced productivity, increased absenteeism, and enhanced risk of violence at work. Recent studies tell us that annually in the United States, 503,485 women are stalked by an intimate partner. Nearly one-third of American women (31 percent) report being physically or sexually abused by a husband or boyfriend at some point in their lives; yet men are victims, too. Given the likelihood of one of your organization's employees being a victim of domestic violence, developing straightforward policies to assist and protect victims of domestic violence is a prudent consideration for any nonprofit.

Know Your Nonprofit's Leave Policies: Victims of domestic violence may be eligible for family/medical leave under your nonprofit's own policies. If you terminate an employee who is otherwise eligible for leave either under the nonprofit's own policy or under state or federal family and medical leave laws, the nonprofit can be liable for wrongful termination.

Know the Federal FMLA and Your State’s Leave Policies: In some states, victims of domestic violence are provided a special leave of absence from work to attend court proceedings, serve as a witness, get a restraining order or attend to any other personal or medical business needed as a result of the domestic abuse. In other states, victims of sexual assault and stalking are afforded certain protections. In most cases leaves of absence do not have to be paid. Some state laws provide leave only for state or county government employees and only for court appearances; others provide leave to obtain support services, such as to seeking safe housing or medical/legal assistance. In some cases a victim of sexual assault or domestic violence may also be eligible to take a leave of absence under the state or federal Family and Medical Leave Act.

The monograph, “*Employment Rights for Victims of Domestic or Sexual Violence*” available from *Legal Momentum* provides the most up-to-date resources on state and county laws that provide employees who are victims of domestic or sexual violence with leaves of absence, or other protections. The Nonprofit Risk Management’s newly updated resource on employment law for nonprofits, *Taking the High Road*, [[link to: http://nonprofitrisk.org/store/high-road.shtml](http://nonprofitrisk.org/store/high-road.shtml)] provides background and details on what to include when drafting policies on leaves of absence in general.

What can be done to increase safety and security at the workplace?

1. Confidentiality

- a.) Respect the employee’s confidentiality and dignity at all times, while giving a limited number of employees with a “need to know” status enough information that they can help protect the employee-victim.
- b.) Implement a confidentiality policy that does not permit disclosure of information about employees to third parties, and remind all employees that if *anyone from outside the organization* phones asking for the whereabouts of another employee, or requests the employee’s schedule or travel plans, the nonprofit is not at liberty to share that information. Remind employees to give their own family members their travel information because the employer will not give it out.

2. Emergency Contacts – If the nonprofit has emergency contact for all staff readily on hand, this can help avert or reduce the risk of a violent incident.

- a.) Ask employees who have revealed their concerns about domestic violence or stalkers for the contact information of someone that the nonprofit should contact in an emergency.
- b.) Make sure that the employee, you, and security personnel/front desk receptionist have ready access to a direct phone number to local law enforcement responsible for investigating domestic violence emergencies.

When reporting the presence of an abuser, be sure to give the police

a specific location
a description of what the abuser is wearing
the name of the victim and
the information that there is either a court order restraining the abuser, or that your employee has reported to you that s/he is a victim of domestic violence.

3. Get expert advice: Invite a local nonprofit with expertise in domestic violence to come to your workplace to give a presentation to educate your staff. A national organization, the *Family Violence Prevention Fund*, www.endabuse.org offers tools to assist in workplace trainings to raise awareness about domestic violence.

4. Provide resources: Provide in the back of an employee manual or post a list of resources for victims of domestic violence in a visible place at your worksite. Employees who need information and support may find it at the web site of *Legal Momentum*, www.legalmomentum.org

Safety Planning:

These simple steps can be taken at the workplace to help keep all employees safe: (i) route calls through a receptionist to shield employees from unwanted callers; (ii) keep home addresses and home phone numbers of all employees confidential and only release them on a ‘need-to-know’ basis; (iii) implement a policy that only invited guests may meet with staff in their personal offices – uninvited “drop in” guests must meet with employees in an open, visible space, such as the reception area; (vi) regularly lock the external office door and require visitors to be announced or invited into the office by staff who are trained to be on the look-out for uninvited visitors; (vii) provide a lighted walkway between the office exit and parking lot; (viii) if there is no receptionist or reception area, install security cameras/intercom system that permits an employee inside the office to see who is seeking access to the office.

What to do when you learn that an employee is a victim of domestic violence:

- ♣ Determine whether the employee is eligible for any leaves of absence
- ♣ Change phone numbers or extensions of known victims of stalking or harassment.
- ♣ When there is a known threat of danger from an active stalker or harasser, arrange for the victim to have a parking spot in a lighted area close to the entrance/exit to the building, or engage a security guard to walk the potential victim to his/her parked car, or support the creation of an employee car pool to the nearest public transportation spot.
- ♣ If the employee has a court order restraining an abuser, encourage the employee to provide you with a copy of the court order, and carry it with him/her at all times.
- ♣ Ask for a recent photo of the abuser and alert all security personnel/front desk receptionists not to give that person access to the workplace.

- ♣ Encourage the employee to save as evidence any threatening emails, phone messages or other evidence that they are being stalked or harassed.
- ♣ Remove the employee's name from automatic phone directories so that callers from the outside cannot bypass an operator to leave a message or speak with the employee-victim.
- ♣ Relocate the employee's work station to a location away from stairwells or windows and in close proximity to others.
- ♣ Contact local law enforcement and ask for their advice on any other steps your workplace can take to minimize the risk of harm to your employee.

SAMPLE WORKPLACE POLICY

Domestic Violence and Zero Tolerance for Workplace Violence

There are two options for addressing domestic violence at work through employment policies. One option is to add a specific reference to domestic violence to an existing workplace violence policy and/or any employee conduct policy. The other option is to adopt a comprehensive domestic violence policy. Sample policy language provided by *Family Violence Prevention Fund's* follows [URL: www.endabuse.org]

Sample Policy on Leaves of Absence for Victims of Domestic or Sexual Violence *(Policies of this nature should be reviewed by legal counsel familiar with the laws of your state to ensure that the policy is consistent with state law)*

At [name], we realize that employees who are victims of domestic or sexual violence have multiple and serious needs, some of which may require time away from work. We will work with employees who are victims of abuse to assess how existing paid and unpaid leave options may be used to help meet their needs. In addition, victims of domestic or sexual violence will be eligible for unpaid personal leave time, as defined by our company policy, Personal Leaves for Eligible Employees, upon providing basic documentation of the need for this leave. Documentation includes any written statement evidencing the employee's use of victims' services, medical or professional treatment or services, social or faith-based services, law enforcement or legal proceedings, or other actions or use of resources required to increase immediate safety. All written documentation will be kept strictly confidential and in a secured file separate from an employee's personnel file.

Sample Policy on Safety and Security

As stated in our Workplace Violence Prevention policy, we strive to maintain a safe and secure workplace and do not tolerate any acts or threats of violence in the workplace. Furthermore, we do not tolerate any acts or threats of domestic violence against any employee while on our property or while conducting [name's] business. Employees who threaten, harass, or abuse any one either at the workplace, or from the workplace, while conducting [name's] business and/or using any of [name's] property, such as computers, telephones, FAX machines, mail, vehicles or other means, may be subject to disciplinary action, up to and including discharge.

Employees who become aware of threats or acts of domestic violence that may occur or have occurred in the workplace must immediately inform their supervisor/manager. In addition, employees with Orders of Protection or restraining orders that reference the worksite(s) of [name] must provide their supervisor/manager with a copy of the order. In response to possible threats, a threat response team will undertake an assessment of the risk and implement a safety response plan specific to the circumstances of the threat, implementing security options to minimize the risk. This plan will take into consideration the needs and rights of a targeted employee and other in the worksite, maintaining confidentiality when to do so does not interfere with safety needs.