

## **Domestic and Sexual Violence Workplace Policies**

Domestic and sexual violence pervades all aspects of our society. Studies show that at least one in four women is a victim of domestic or sexual violence at some point in her life. In almost any workplace, there are likely be to individuals who have been or are currently dealing with domestic or sexual violence. While it is very unusual for domestic violence to lead to violent incidents in the workplace itself, employees who are victims may need time off to take steps to address the violence in their lives and a variety of workplace accommodations to help protect themselves and their co-workers.

Many laws, including federal and state antidiscrimination laws, the Family and Medical Leave Act, the Americans with Disabilities Act, state disability laws, and state torts, offer victims of domestic violence important workplace rights. There are also an increasing number of jurisdictions with laws providing employment rights or job-protected leaves specifically to victims of domestic or sexual violence. Developing and implementing a domestic violence policy is an important means of complying with the relevant laws and thus limiting your company's potential exposure to liability – and of keeping your workplace safe and your employees working.

Legal Momentum has prepared this checklist of recommended provisions SOLELY to provide guidance in development of a company's own policies. Any company that develops a policy should do so in consultation with that company's legal counsel and consideration of that company's specific circumstances.

### **Recommended provisions for domestic and sexual violence workplace policies include:**

- Prohibiting discrimination against employees because they are victims of domestic or sexual violence
- Establishing confidential means for reporting domestic or sexual violence
- Defining domestic or sexual violence broadly to include dating and same-sex violence
- Providing education and training on domestic and sexual violence to all employees and designate a coordinator
- Posting resource and referral information in easily accessible and highly visible locations
- Recognizing that domestic or sexual violence victims may have performance or conduct problems and providing them with assistance and a reasonable amount of time to address these problems
- Adjusting work schedules and providing flexible paid and unpaid leave so that victims can obtain necessary medical care, counseling, or legal assistance
- Increasing the safety of the workplace by reviewing the safety of parking arrangements, strictly enforcing civil protection orders, screening phone calls, developing safety plans with victims, and relocating employees to an alternative worksite, if necessary
- Disciplining, up to and including discharge, employees who threaten or abuse others on work time or use work resources, and consider sanctioning those who perpetrate unlawful violence outside the workplace
- Ensuring that health insurance policies do not discriminate against domestic or sexual violence victims

## **Guidelines for a Workplace Safety Plan for Employers and Employees**

### **o For Employers**

When assisting employees to develop a personal workplace safety plan, ask what changes, if any, could be made at their workplace to make them safer. Victims of domestic violence know their abusers better than anyone else. When it comes to their own safety, offer to assist them in developing a personal workplace safety plan. However, if it is determined that other employees or customers are at risk of physical harm, it is essential to take reasonable measures to provide protection for them.

### **o For Employees**

- § Consider obtaining an order of protection that includes a stay away provision for the workplace. If you choose to obtain an order of protection, make sure that it is current and available at all times. If you think that your abusive partner may come to your workplace, you should provide a copy of the protective order to the police, your supervisor, human resources, the reception area, the legal department, the occupational health office, and/or security. Ask co-workers and/or supervisors to call the police if the abuser threatens or harasses you at work or violates any civil/criminal orders of protection.
- § Consider providing a picture of the abuser to the reception areas and/or security.
- § Consider identifying an emergency contact person should your employer be unable to contact you.
- § Review the safety of your parking arrangements.
- § Consider having security or a co-worker escort you to/from your car or public transportation and/or obtaining special parking access.
- § Consider requesting a change in, or unpredictable rotations of, your work schedule, work site, or work assignment if such a change is possible and would enhance your safety at work.
- § Consider having your telephone calls screened at work.
- § Where possible, discuss additional security measures with the on-site security department.
- § Review the safety of your child care arrangements. If you have an order of protection, make sure the provider has a copy.