



# **Creating a Domestic Violence Employer Policy Guidance Notes**

## Index

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<b>Introduction</b>	<b>3</b>
<b>Definition of Domestic Violence</b>	
<b>Why have a Workplace Policy?</b>	
<b>The Impact of Domestic Violence on the Workplace</b>	<b>4</b>
Legal Liability	
Domestic Violence in the Workplace	
Workplace Safety	<b>5</b>
Productivity and Cost	
Research into the Impact of Domestic Violence on the Workplace	
<b>What should be contained in a Workplace Domestic Violence Policy?</b>	<b>6</b>
Good Practice Principles	<b>7</b>
<b>Confidentiality</b>	
<b>Employer's Response - Victim</b>	
<b>Employer's Response - Perpetrator</b>	<b>8</b>
<b>Information and Training</b>	<b>9</b>
<b>Monitoring and Review</b>	
Manager Training	
Support	
Leave / Flexible Working	
Education and Training	
Financial Support	
Security	
Working with Perpetrators	
Feedback	
<b>Appendices</b>	<b>10</b>
<b>For Further Information</b>	

## Introduction

Domestic Violence is a serious crime, which affects **one in four women** and their children at some point in their lives, and which in England results in the murder of 1 woman every 3 days by their current or former male partner.

Domestic Violence incidents account for almost 25% of all reported violent crime and UK Police receive a call for assistance in relation to domestic violence **every minute**.

*This guide should be used as a model for raising awareness and developing an effective response to domestic violence in the workplace. It offers information and practical suggestions for employers.*

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## Definition of Domestic Violence

Domestic violence is a generic term to describe a range of behaviours used by one person to control and dominate another with whom they have had, wanted to have or are in a close, intimate, family or other type of relationship.

Domestic violence can be actual violence, the threat of violence, or sexual, psychological or emotional abuse. Its effects range from bruising to permanent injury and can result in death. It can be emotional, mental and verbal abuse, threats, belittlement, isolation or control of finance and activity. Less visible effects include diminishing self-esteem, fear, guilt, insomnia, depressions, agoraphobia and difficulty trusting others.

Domestic violence occurs irrespective of actual or perceived ethnicity, class, sexuality, age, religion, gender and mental or physical ability. There is no typical recipient or perpetrator of domestic violence, however research has shown that in the majority of cases it is women who experience domestic violence from male partners, ex-partners or family members.

Domestic violence can also effect men and women in same sex relationships and men in heterosexual relationships. Domestic violence does not only relate to married or cohabiting couples, it is experienced by those who have never had a relationship or cohabited with their abuser. It often continues after a relationship has ended.

In addition to violence from a partner or ex-partner, domestic violence can be experienced directly or by collusion from other family members and carers.

## Why have a Workplace Policy on Domestic Violence?

As an employer, you have a responsibility to provide a safe and effective work environment that responds to your employees' needs. It must make a clear statement that as an organisation you will not tolerate any form of violence either within the workplace or outside. It will also demonstrate a commitment to responding with sensitivity to employees who need help and support and to taking action against perpetrators of domestic violence.

Other key reasons are:

### > **Recruitment and retention**

A work place policy is a good investment, helping to retain skilled and experienced staff and contributing to motivation and job satisfaction.

### > **More effective staff**

Staff will feel fully supported and confident in approaching their employer for help. This can only increase their commitment to their organisation.

> **Getting the best people for the job**

An employer with family-friendly policies will be attractive to a much wider pool of potential applicants.

> **Equal opportunities**

Employers are demonstrating a powerful commitment to the principles of equal opportunities, community investment and to achieving equal opportunities for women in the workplace.

Your organisation's domestic violence policy should give guidance in the identification of, and response to, domestic violence, which will assist in personnel and performance management and ensure the safety and welfare of all employees.

The policy **must** be implemented effectively. It should introduce practical steps to support those experiencing domestic violence and in taking action against perpetrators.

A positive approach will both support and retain productive employees and will save money **AND LIVES**.

## **The Impact of Domestic Violence on the Workplace**

### ***Legal Liability***

Under the *Health & Safety at Work Act 1974*, employers have a duty to ensure the health, safety and welfare of their employees at work.

The Management of *Health & Safety at Work Regulations 1992* also places a requirement on employers to assess the risk of violence to employees and put in place planning, organisation and control measures to ensure their health and safety.

When looking at any issue affecting employees and the workplace, cost, safety, liability and productivity should be considered. Domestic violence is no different.

By working to mitigate the risks related to domestic violence, an organisation will also create a safer workplace for an employee experiencing abuse and will also send out a strong message that domestic violence is unacceptable and responding to it makes good business sense.

A very high number of people are affected by domestic violence, so in any organisation it is likely that there will be employees who are either at risk or are affected by domestic violence, either as a survivor or perpetrator.

It may affect their productivity, emotional and physical health and well-being and there is a possibility that there may be an increased risk of workplace violence. However, the workplace may be one of the "safe places" where victims can access the support and help they need.

Perpetrators of domestic violence in the workplace may affect business costs, productivity and safety.

***It is imperative that domestic violence is recognised as being serious, preventable and an important issue for an organisation that cannot be ignored.***

### ***Domestic Violence in the Workplace***

> Employees experiencing domestic violence may receive harassing or repeated phone calls, faxes or e-mails, unwelcome notes on their cars or unplanned and unannounced

visits at work. They may also be stalked, physically assaulted or murdered either travelling to and from, or at, work.

- > Children using workplace childcare facilities may also be in danger of abuse or abduction whilst on the premises. Colleagues may also be followed to or from work or subjected to questioning about how to contact the victim or where he or she can be found.
- > Perpetrators may also be using workplace resources - phones, fax, e-mail or other means to threaten, harass or abuse their current or former partner.
- > An employee may **intentionally** misuse their position or encourage others to do so, to negatively impact on abused women, perhaps by assisting perpetrators to locate their partners, carry out acts of domestic violence or by protecting the abuser.

Employers must deal with any incident of abuse that takes place in the workplace in a clear and effective manner, as they are very damaging and potentially dangerous for both the abused employee and their colleagues. Employers should also be concerned about perpetrators bringing the organisation into disrepute by the misuse of workplace resources, information and their authority to enable the abuse to continue.

### **Workplace Safety**

Although many organisations have protocols and policies on security and safety at work, it is likely that these will not protect victims of domestic violence from abusive partners. At the time a victim leaves the relationship is when they are at the greatest risk of serious injury or homicide.

An employer's responsibility should be increased towards the employee when a current or former partner has threatened them. The threat will not be an isolated incident and the perpetrator may already have knowledge of working hours, phone numbers, colleagues and security entry systems.

Employers need to recognise that anyone experiencing domestic violence is particularly vulnerable while at work. Once a victim has tried to leave an abusive relationship, the workplace is the only place the perpetrator is able to locate her.

There is also a risk if the perpetrator, or their friends or colleagues, work within the same organisation as the victim. Security of personal information, including payroll records, is paramount to ensure addresses and other details are kept confidential.

### **Productivity and Cost**

Domestic violence has a strong impact on an employee's working life. Many of those who are abused suffer physical injury, sleep deprivation, low morale, low self-esteem and heightened anxiety. These effects contribute towards lateness, absenteeism, poor performance and the ability to access career progression opportunities or even hold down a job.

### **Research into the Impact of Domestic Violence on the Workplace**

Research carried out in the USA shows that:

- > 75% of domestic violence victims are targeted at work, experiencing harassing phone calls, abusive partners arriving at the workplace unannounced and physical assaults.

- > 56% of abused women are late for work at least five times a month. 28% leave work early at least five days a month and 54% are absent from work at least three days a month.
- > 47% of senior executives surveyed said that domestic violence had a harmful effect on the company's productivity and 44% said that domestic violence increased their company's health care costs.

The estimated cost of domestic violence in the UK is thought to be vast, with substantial economic loss being attributed to lost wages, paid sick-leave and absenteeism linked to domestic violence.

## **What should be contained in a Workplace Domestic Violence Policy?**

The following should be included:

- > A policy statement which has a clear aim and states the organisation's commitment to treat domestic violence seriously, alongside guidance which informs the policy's implementation.
- > A clear definition of the term "domestic violence" recognising that it is not gender-specific and affects all communities. Information and support must be accessible to ensure consistency and fairness in the treatment of employees who are both experiencing, or perpetrating abuse.
- > A commitment to offering ongoing support to those experiencing domestic violence, prioritising confidentiality and increased employee and workplace safety. This should include practical advice on offering assistance and support.
- > A commitment to early intervention by creating a supportive environment to encourage employees to be alert to the possibility of abuse, and of creating confidential mechanisms for those experiencing abuse to seek help and information.
- > A commitment to challenging perpetrators, accompanied by a statement that any conviction of a domestic violence-related crime will be treated seriously and may be considered to be a disciplinary offence.
- > Clarity about the specific roles and responsibilities of all staff involved in implementing the policy.
- > Information about what the organisation offers in terms of counselling and support scheme, and details on both local and national support services.
- > A commitment to raising awareness amongst employees, including publicity and training.
- > Details of monitoring and review mechanisms.
- > Details of links to any other policies - eg Health and Safety, Confidentiality, Performance Monitoring, Grievance.

## **Good Practice Principles**

Abusive behaviour is the responsibility of the perpetrator. No proof of violence is needed and a victim's statement alone must be enough for them to be given support and information on protection and help.

Employers must ensure that there is no collusion with the behaviour of employees who are perpetrators of domestic violence. If they are violent and abuse against partners who are also employees, they should face disciplinary action. Serious consideration should also be given to whether a perpetrator's conviction for domestic violence brings the organisation into disrepute. In some instances, this may be regarded as gross misconduct. Information should also be available about perpetrator programmes locally which may assist them to address their abuse behaviour.

Fair and open practices are key when responding to domestic violence, including non-discrimination against abused women in recruiting and promoting women and sensitivity in performance evaluation.

A victim's experiences of domestic violence may be compounded by racist reactions, isolation, language and cultural barriers or other reactions to age, sexuality or disability. The same access to information and support should be available for everyone experiencing domestic violence. Employers should not make assumptions about what action is appropriate because of a woman's age or because she is black, disabled, a lesbian or whether or not she has children. It should also not be assumed that only a husband / male partner is a threat because abusers may include relatives, friends and same-sex partners.

## **Confidentiality**

Any disclosure of domestic violence by an employee must be treated in the strictest confidence. However, in certain circumstances it may be necessary to breach this confidence, for example where there may be an issue of child protection.

Any information can only be disclosed to another manager or member of staff with the permission of the employee, or where withholding could result in serious injury or death.

It is important that the employee is made aware of the above at the beginning of any discussions.

## **Employer's Response**

### **A. The Victim**

It is important to create an environment where employees feel safe to talk about what they are experiencing.

It is important to listen and believe what they are saying.

You must provide a sensitive, non-judgmental response and reassure the employee that they are not to blame, there is no justification for this treatment of them and that there is help and support available, both through the organisation and links with specialist agencies.

Be aware of any additional issues for any employee because of their ethnic background, age, sexuality or disability.

The information must remain completely confidential unless with the victim's permission.

Be well informed about the support options that are available and discuss these with the employee.

Respect the choices and decisions the employee may make about their situation - often it is difficult for them to leave due to financial and childcare responsibilities and threats of violence. Be aware that victims will make many attempts before they finally leave their violent partner.

Be flexible with working hours, workloads and discuss the option of time off to make arrangements, for example meetings with a solicitor, making financial arrangements, schooling and housing.

Carry out a workplace risk assessment for both the victim and other employees.

Develop a mutually agreed workplace safety plan with the employee - remember that those experiencing domestic violence are best able to assess the danger to themselves and their children.

Keep in touch with the employee during any period of absence, maintaining confidentiality of their whereabouts at all times.

***Organisations may wish to consider having a named domestic violence support worker as the point of contact for employees experiencing domestic violence.***

Performance issues - it is hoped that by drawing this issue to the attention of managers, they will be better able to identify the likely symptoms of those experiencing domestic violence. Unfortunately, it is often the case that an individual is already the subject of disciplinary procedures when the issue first comes to light. Poor work performance, unexplained absenteeism, poor timekeeping and lack of concentration can all be indicators of domestic violence.

Employees should be encouraged to disclose what is happening to them to their line manager so that appropriate help and support can be provided and to prevent the possibility of disciplinary action being taken due to poor performance.

## **B. The Perpetrator**

In circumstances where there has been no disclosure of domestic violence but a manager, supervisor or colleague suspects that it may be an issue, it is only possible to identify and address any performance problems that may come to light. All employees should be clearly and regularly informed about the organisation's policy on domestic violence.

If there has been a disclosure of domestic violence, the alleged perpetrator should be interviewed and made aware that domestic violence will not be tolerated, will be treated seriously and that it is a crime and may lead to a criminal conviction.

Carry out an investigation to determine whether abuse has occurred during work time or using workplace resources. It may be that it would be inappropriate for the perpetrator to carry out certain duties and consideration should be given to redeployment or disciplinary action.

If domestic violence results in a criminal conviction, this may present a conflict between the violence and nature of employment. Consideration should also be given to whether the perpetrator's actions and any resulting conviction, brings the organisation into disrepute and may be regarded to constitute gross misconduct.

Confidentiality of the alleged perpetrator is paramount whilst any investigation is being carried out.

Do not allow employees to justify their behaviour with excuses. Domestic violence is a choice and perpetrators are solely responsible for the violence and abuse.

Ensure the perpetrator is unable to use their position to find out details about the whereabouts of their partner, through databases, personnel files or contact with other agencies.

Make clear that the Police will be called if there is evidence of violence or abuse during work time.

Information should be made available on local perpetrator programmes.

## **Information and Training**

In order to raise awareness of the organisation's domestic violence policy, leaflets should be made available to all staff and be included in induction packs. Training should be provided to managers, HR officers and supervisors to promote the identification of likely victims / survivors and perpetrators, and how such cases should be dealt with.

Ongoing domestic violence training and its impact on the workplace should be a requirement of all managers, supervisors, HR and security staff. It should include awareness of the issue, the effects of domestic violence in the workplace and good practice responses. Managers should consider practical solutions - for examples sensitive questioning, identifying domestic violence.

It may be helpful for short presentations on domestic violence by local domestic violence services to be held, perhaps during team meetings, as part of ongoing training programmes.

## **Monitoring and Review**

The fact that an organisation has a domestic violence policy does not necessarily mean that they support employees experiencing domestic violence. It needs to be effectively implemented and regularly monitored to assess the impact on employees and the organisation itself. There should be a designated officer or department with responsibility for reviewing, monitoring and updating the policy.

The following should be considered in any review / monitoring process:

### ***Manager Training***

Do managers know how to recognise the signs of domestic violence. Are they aware of the policies that apply to the issue? Is domestic violence included in management training?

### ***Support***

Does the organisation have a designated domestic violence worker or counselling service? If a counselling service is available are the counsellors trained on domestic violence? Is there a referral system to local domestic violence service providers?

### ***Leave / Flexible Working***

Does the organisation offer special leave or flexible working arrangements to allow employees time to address practical issues such as going to court, solicitor appointments, counselling without fear of losing their jobs.

### ***Education and Training***

Does the organisation allow a safe environment for employees to talk about domestic violence, provide domestic violence awareness training and information via leaflets, posters etc?

### ***Financial Support***

Does the organisation offer any financial support to employees experiencing domestic violence? Is support offered to local services through donations?

### ***Security***

Does the organisation's security policy take into account risks associated with domestic violence? What action is taken if abusive partners come to the workplace - are the Police called, injunctions applied for? Is there access to mobile phones, escorts to cars, sufficient lighting in dark areas such as car parks?

### ***Working with Perpetrators***

What action is taken against an employee who perpetrates domestic violence?

### ***Feedback***

Do you offer the opportunity for employees to feedback on their views as to how the organisation addresses the issue of domestic violence? Consider making available an employee feedback / monitoring form. It may be that there should be a report to the Director or Board to advise on progress and development of the domestic violence policy.

## **Appendices**

- 1 List all relevant organisation policies and procedures.***
- 2 Details of internal contacts - counselling service, domestic violence support workers etc.***
- 3 Details of external contacts - local support services, national helplines, specialist agencies eg race, gender and age.***

### **For further information please contact**

Domestic Violence Co-ordinator, Plymouth	01752 790983
Domestic Violence Co-ordinator, Devon	01392 382233
Domestic Violence Co-ordinator, Torbay	01803 841440
Domestic Violence Co-ordinator, Cornwall	01872 262918