

Dom. Viol.

MEMORANDUM

TO: BRUCE REED
CC: ELENA KAGAN
FROM: TOM FREEDMAN, MARY L. SMITH
RE: NATIONAL WORK TO END DOMESTIC VIOLENCE DAY
DATE: JUNE 17, 1997

SUMMARY

Domestic violence in the workplace is a surprisingly significant problem. Businesses and the Family Violence Prevention Fund have joined together to create a model policy. We recommend a White House event on this day to highlight the problem of domestic violence in the workplace.

THE PROBLEM

- 94% of corporate security and safety directors surveyed ranked domestic violence as a high security problem.
- In an estimated 60,000 incidents of on-the-job violence, the victims knew their attackers intimately. See attached N.Y. Times article dated March 10, 1996.
- In one study, abusive husbands and partners harassed 74% of employed battered women at work, either in person or over the telephone, causing 56% of them to be late for work at least five times a month, 28% to leave early at least five days a month, and 54% to miss at least three full days of work a month.
- The National Institute of Justice estimates that from 1987 to 1990, domestic violence cost Americans \$67 billion a year.

MODEL POLICY ON DOMESTIC VIOLENCE IN THE WORKPLACE

The Model Policy on Domestic Violence in the Workplace is a policy for employers to adopt in order to promote the health and safety of its employees, to heighten awareness of domestic violence, and to provide guidance for employees and management to address the occurrence of domestic violence and its effects in the workplace. The model policy emphasizes early intervention and education prevention strategies; zero tolerance for acts or threats of domestic violence in the workplace; leave options for employees experiencing threats of violence; and referral to assistance agencies for victims of domestic violence before disciplining for performance problems.

DOJ is also in the final stages of issuing a policy regarding violence against women in the federal workplace.

SOME PARTICIPANTS IN LAST YEAR'S EVENT

- Office for Victims of Crime
- Violence Against Women Office
- Aetna, Inc.
- American Council of Life Insurance
- American Federation of State, County, and Municipal Employees
- Bank of America
- Bechtel
- The Body Shop
- ✓ • The Gap
- ✓ • Kaiser Permanente
- ✓ • Levi Strauss Foundation
- ✓ • Liz Claiborne
- ✓ • Marshalls
- Mintz, Levin, Cohn, Ferris, Glovsky, and Popeo, PC
- National Association of Manufacturers
- Newton-Wellsley Hospital
- NOW Legal Defense and Education Fund
- Polaroid Corporation
- Reebok
- Service Employees International Union
- Wells Fargo Bank
- WorkSafe

POSSIBLE PARTICIPANTS FOR PLANNING MEETING

- Aileen Adams, Office for Victims of Crime
- Betsy Myers, Small Business Administration
- Jackie Agtuca, Office of Violence Against Women, DOJ
- Bonnie Campbell, Violence Against Women Office, DOJ
- Kathy Colette, Director of Women's Rights, AFSME
- Ida Castro, Women's Bureau, Department of Labor
- White House Women's Office
- OPL

RECOMMENDATION

- Hold a White House event on October 1, 1997 to recognize the *National Work to End*

Domestic Violence Day, inviting businesses and unions to participate. The second annual *National Work to End Domestic Violence Day*, organized by the San Francisco-based Family Violence Prevention Fund, will be held on that date. Throughout the country, dozens of private businesses, public agencies, and unions that collectively employ millions of people will hold programs and distribute materials that alert workers to the prevalence of domestic violence.

- Announce that many of the employers are adopting a *Model Policy on Domestic Violence in the Workplace*.
- Announce alarm systems for battered women to be donated?

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March 10, 1996, Sunday, Late Edition -- Final

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LINE: EARNING IT;
Abuse Follows Women to Work

NE: BY BARRY MEIER

IN December, an angry assembly-line worker at a Chrysler Corporation plant in
ling Heights, Mich., fatally shot Jacqueline Pritchett, a co-worker, before
ing himself. The incident was another case of workplace violence, but it had
cond side, too: Ms. Pritchett was killed by a boyfriend against whom she had
ntly filed an assault complaint.

orkplace violence is a disturbingly common phenomenon. About one million
icans are killed or injured every year in such incidents, according to
ral statistics. Such violence also results in thousands of lost workdays.
many companies have taken steps to try to reduce it.

But employers are only beginning to address the other aspect of the Chrysler
: domestic abuse. In an estimated 60,000 incidents of on-the-job violence,
victims knew their attackers intimately.

ast year, more than a dozen companies, including the Polaroid Corporation,
Claiborne Inc. and Marshalls Inc., formed the National Workplace Resource
er on Domestic Violence to develop a model program of policies and benefits
employees who have been subjected to domestic abuse.

he benefits include traditional assistance like counseling programs. But in
cases, they go well beyond that. A few workers, fearful for their lives,
been secretly moved to new locations and given new jobs. Some companies
also enforce protective orders on their premises and provide security to
n being stalked by abusive partners.

ut while praising some companies, several experts on domestic abuse said
most businesses were reacting slowly to the problem.

o a large extent, there is not much awareness of it," said Nancy Isaacs, a
rcher at the Harvard University School of Public Health who is studying
orate responses to domestic abuse. "For some people, it is not even on the
screen."

is inattention can have high stakes for a business. When the abuse involves
place violence, the company may face legal liability. And Jim Hardeman,
er of the corporate assistance program at Polaroid, said employees in
ve situations often had high rates of absenteeism and might be so
essed that the quality of their work could suffer.

Of course, domestic abuse usually takes place at home, and few reliable data are available on its impact on the workplace.

What is troubling, though, is that some companies have hindered employees who want to take a day off to testify in court against someone accused of abuse. Sarah Buel, an assistant district attorney in Quincy, Mass.

Some employers will say that if your life is getting in the way of getting your job done, then maybe you ought to rethink your employment," she said.

Still, a few companies have won praise from the experts for expanding their employee assistance programs.

In one instance, an abused Polaroid employee who feared that her boyfriend would kill her if he learned she planned to leave him was secretly moved by the company to a new city. She is now employed at a different Polaroid operation, and her whereabouts have been kept confidential, Mr. Hardeman said.

For the batterer, she vanished off the face of the earth," he said.

For officials of Liz Claiborne, the challenge was helping abused employees realize that aid was available. So rather than simply conducting seminars, the company also printed brochures on the subject and put them in each employee's mailbox.

It eliminated the 'I don't want to talk about this' reaction," said Robin Scheer Ettinger, the company's director of marketing.

In February, officials of companies that have programs dealing with domestic violence attended a conference in Delaware sponsored by Senator Joseph R. Biden to provide ideas to smaller companies in the state on how to reduce domestic violence. One low-cost suggestion: Place signs in women's bathrooms with the name and telephone number of the local shelter or counseling service for abused women.

"It's in a private place and it does not cost anything," Ms. Scheer Ettinger

Another growing area of concern is the liability that companies may face. The widow of 22-year-old Francesia La Rose sued her employer and the company that owned the Houston office building where she worked not long after the young woman was shot to death at work in 1993 by a former boyfriend. Ms. La Rose's lawyer contended that both companies had been made aware that she had obtained a restraining order against the man.

The State Mutual Life Assurance Company of America, Ms. La Rose's employer, has the management concern, the Duddlesten Management Company, denied liability. The case was settled last year in a state court in Houston for more than \$100,000.

Victor Schachter, a lawyer in San Francisco who specializes in cases of workplace violence, said a legal obligation to protect employees against domestic abuse in the workplace typically began for an employer when it knew or had reason to know that violence affecting a worker had or was about to take place.

For abused women, the workplace is often a refuge. But one employee at Polaroid, a sales representative, said that when she was seeking a divorce from a husband whom she described as abusive, she became concerned about her safety at work.

Polaroid officials said they agreed to enforce on their property a restraining order that was obtained by the woman. Many companies often leave such a step to police.

A photograph of her husband was given to security guards at Polaroid, who escorted the sales representative to her car after work. Mr. Hardeman, the Polaroid official, said the company had also arranged for her husband to receive counseling. The woman has since remarried.

It is rare, however, for courts to direct companies to enforce restraining orders on their premises, Mr. Schachter said, and companies that overextend themselves on an employee's behalf may do so at their own peril.

If a company says, 'Mary, we are going to protect you,' and does not and Mary gets injured, they could have a problem," Mr. Schachter said.

Redrica Lehrman, a lawyer in Washington who heads the domestic abuse project of the Association of Trial Lawyers of America, said the legal options of an employee who was attacked by a spouse or lover in the workplace might also be limited. In states with worker's compensation laws, employees typically cannot sue employers for injuries suffered in the workplace, but must submit claims through worker's compensation, and any recovery is limited, she said.

Still, some companies are clearly becoming more concerned about protecting themselves and their employees from domestic violence.

James Cawood, president of Protective Solutions Inc., a security company in Leandro, Calif., said that a decade ago, only about 10 percent of the cases of workplace violence that his company was hired to handle involved domestic violence.

About 90 percent of the cases back then involved disgruntled employees or customers," Mr. Cawood said. "Nowadays, it's about 50-50."

HIC: Photo: "Crime in the Workplace"

From 1987 to 1992, workers were the victims of nearly a million crimes a year, on average, at a variety of public and private workplaces. And when the victim was a woman, she was much more likely than a man to know the attacker. This chart lists number of rapes, robberies, aggravated assaults, and simple assaults committed in the workplace each year and shows the percentage of all crimes falling into each category. Graph also shows breakdowns of places where crimes took place and the relationship of the victim to the attacker. (Source: Justice Department)

PAGE: ENGLISH

DATE: March 10, 1996

MEMORANDUM

TO: TOM FREEDMAN
FROM: MARY L. SMITH
RE: NATIONAL WORK TO END DOMESTIC VIOLENCE DAY
DATE: JUNE 4, 1997

SUMMARY

The second annual *National Work to End Domestic Violence Day* will be held on Wednesday, October 1, 1997. Throughout the country, dozens of private businesses, public agencies, and unions that collectively employ millions of people will hold programs and distribute materials that alert workers to the prevalence of domestic violence. [Highlights of last year's event].

RECOMMENDATION

- Hold a White House event on October 1, 1997 to recognize the *National Work to End Domestic Violence Day*, inviting businesses and unions to participate.
- Announce that many of the employers are adopting a *Model Policy on Domestic Violence in the Workplace*.
- Announce alarm systems for battered women to be donated?

STATISTICS

- 94% of corporate security and safety directors surveyed ranked domestic violence as a high security problem.
- In an estimated 60,000 incidents of on-the-job violence, the victims knew their attackers intimately.
- The National Institute of Justice estimates that from 1987 to 1990, domestic violence cost Americans \$67 billion a year.
- In one study, abusive husbands and partners harassed 74% of employed battered women at work, either in person or over the telephone, causing 56% of them to be late for work at least five times a month, 28% to leave early at least five days a month, and 54% to miss at least three full days of work a month.

MODEL POLICY ON DOMESTIC VIOLENCE IN THE WORKPLACE

The Model Policy on Domestic Violence in the Workplace [5/12/97 draft attached] is a policy for employers to adopt in order to promote the health and safety of its employees, to heighten awareness of domestic violence, and to provide guidance for employees and management to address the occurrence of domestic violence and its effects in the workplace. The model policy emphasizes early intervention and education prevention strategies; zero tolerance for acts or threats of domestic violence in the workplace; leave options for employees experiencing threats of violence; and referral to assistance agencies for victims of domestic violence before disciplining for performance problems.

PARTICIPANTS

- Office for Victims of Crime
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- Aetna, Inc.
- American Council of Life Insurance
- American Federation of State, County, and Municipal Employees
- Bank of America
- Bechtel
- The Body Shop
- The Gap
- Kaiser Permanente
- Levi Strauss Foundation
- Liz Claiborne
- Marshalls
- Mintz, Levin, Cohn, Ferris, Glovsky, and Popeo, PC
- National Association of Manufacturers
- Newton-Wellsley Hospital
- NOW Legal Defense and Education Fund
- Polaroid Corporation
- Reebok
- Service Employees International Union
- Wells Fargo Bank
- WorkSafe



National Workplace Resource Center on Domestic Violence

Thank you to everyone who made the first ever Domestic Violence Workplace Education Day such an overwhelming success!

On October 1st, dozens of private businesses, public agencies, and unions, that collectively employ millions of people, held programs and distributed materials that alert employees to the prevalence and severity of domestic violence. The support and enthusiasm from employers of all sizes and types, in every part of the country, far exceeded our expectations.

Domestic Violence Workplace Education Day was made possible by the support of the founding members of the National Workplace Resource Center on Domestic Violence, a project of the Family Violence Prevention Fund: **Aetna Inc., American Council of Life Insurance, American Federation of State, County and Municipal Employees, Bank of America, Bechtel, Food Marketing Institute, Kaiser Permanente, Levi Strauss, Liz Claiborne, Marshalls, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, PC, National Association of Manufacturers, Polaroid, Reebok, Service Employees International Union, The Body Shop, The Gap, and Wells Fargo Bank.**

Some of the highlights of Domestic Violence Workplace Education Day included the following:

- * Marshalls, a leading off-price family retailer, distributed the Family Violence Preventions Fund's personal action kits to all 65,000 employees and placed materials in women's restrooms in all its stores.
- * David Lawrence, CEO of Kaiser Permanente, spoke at a lunchtime event at the corporate headquarters in Oakland, California.
- * The Gap distributed victim safety cards, informational materials and displayed posters at corporate headquarters in San Francisco, San Bruno, and New York.
- * Polaroid held a series of lunchtime seminars on the impact of family violence in the workplace and conducted a training for the employees of the City of Lowell, Massachusetts.

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Employment

Cristina Benítez Wilcox
Program
Manager, Robert & Boudhafi

Eric Wilson
President
Foundation for Women

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- * The American Federation of State, County, and Municipal Employees, Service Employees International Union, AFL-CIO, and Coalition of Labor Women Union, distributed Workplace Education Day kits and posters to over 600 union leaders and activists throughout the country. The poster outlines how unions can take action to prevent domestic violence.
- * Target stores held educational events at its corporate headquarters in the Minneapolis area, displayed posters on domestic violence in offices, placed brochures on domestic violence in company restrooms, and distributed information to its 140,000 employees throughout the nation.
- * Bell/Atlantic/NYNEX Mobile issued educational e-mails to its more than 6,000 employees every day for a week to heighten their awareness of domestic violence and mobilize them to take action.
- * Reebok distributed t-shirts on domestic violence to employees, invited a police officer to lecture to employees about domestic violence, and held a self-defense class for employees.
- * Liz Claiborne distributed informational materials to employees suggesting action steps for men and women to take to end abuse.
- * The American Council of Life Insurance circulated the "10 Steps to Take in the Workplace to End Domestic Violence" and urged their members to participate in Workplace Education Day.
- * Bank of America included information about the FUND's website and Employee Assistance Program resources in an Employee Newsletter.
- * Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, PC held a leadership breakfast for CEOs regarding domestic violence and distributed Workplace Education Day organizing kits to attendees.
- * Aetna sponsored the exhibition of the 'Clothesline' art show, a display of more than 100 tee-shirts decorated with artwork by survivors of domestic and sexual violence, and included an article on domestic violence in a company publication.
- * Attorney General, Janet Reno, spoke to Department of Justice employees on October 1st at a domestic violence information fair.
- * Florida Governor Lawton Chiles announced a model domestic violence policy and held educational events for employees on October 1. Washington Governor Mike Lowry announced model domestic violence policies for state employees. Lowry also distributed pamphlets and displayed 15,000 FUND posters on battering in state offices.

- * In a joint announcement with four local unions, Los Angeles City Attorney, James K. Hahn presented the Workplace Domestic Violence Policy for employees of the City Attorney.
- * Cascade Engineering, in Grand Rapids, Michigan distributed materials and held breakfast and lunchtime educational sessions for employees.
- * Courts throughout New York state held educational events on October 1st.
- * Acme Materials and Construction Co., of Spokane, Washington conducted a coloring contest for children of employees and gave prizes to the child with the best picture of a happy family, displayed posters on battering at work sites, and collected donations for a local domestic violence agency.

This represents only a fraction of Workplace Education Day events. A full list of participants is attached. All the events were made possible by your hard work and by the generous leadership of the founding members of the National Workplace Resource Center on Domestic Violence.

We have included some examples of different strategies employers and unions utilized to educate employees and union members about domestic violence. You will find in the enclosed materials sample newsletter articles, sample brochures, sample letters from CEOs, sample posters, and many other great ideas for your next Workplace Education Day. Organizing kits for Workplace Education Day 1997 will be available in March 1997. To become a member of the National Workplace Resource Center on Domestic Violence or to obtain a 1997 Workplace Education Day organizing kit, call Donna Norton at (415) 252-8900, ext. 25. Thanks again for all your great work!

DRAFT- 5/12/97

FAMILY VIOLENCE PREVENTION FUND
NATIONAL WORKPLACE RESOURCE CENTER ON DOMESTIC VIOLENCE
MODEL POLICY ON DOMESTIC VIOLENCE IN THE WORKPLACE

This model policy may be adapted as a unified domestic violence policy or its component parts may be integrated into already existing related policies and/or guidelines.

The Family Violence Prevention Fund would like to acknowledge the support and counsel of the Office for Victims of Crime and the Advisory Committee of the National Workplace Resource Center on Domestic Violence. The Fund would especially like to thank Judith Bonderman and Katherine Garrett of the Office for Victims of Crimes, Sarah Connell of the Violence Against Women Office, Shaun Dix and Atlanta McIlwraith of The Body Shop, Julie Goldscheid, Esq. of NOW Legal Defense and Education Fund, Stephanie Harkness of Wells Fargo Bank, Steve Moskey, Catherine O'Reilly Collette of the American Federation of State, County, and Municipal Employees, Jim Hardeman of Polaroid Corporation, Eve Sheedy, Esq. of WorkSafe, Lauren Slovic, Karen Thomas, Dianne Yamashiro-Omi of The Gap, Beverly Younger Urban of Bank of America, and the members of the San Francisco Department of Public Health Domestic Violence in the Workplace Planning Group for comments on earlier drafts of this policy. This policy has also benefitted from the examples of policies or guidelines on domestic violence from Mintz, Levin, Cohn, Ferris, Glovsky, and Popeo, PC, Newton-Wellsley Hospital, Office of the Los Angeles City Attorney, Polaroid Corporation, Sacred Heart Medical Center, State of Florida, and State of Washington.

DRAFT- 5/12/97

FAMILY VIOLENCE PREVENTION FUND
NATIONAL WORKPLACE RESOURCE CENTER ON DOMESTIC VIOLENCE
MODEL POLICY ON DOMESTIC VIOLENCE IN THE WORKPLACE

- I. PURPOSE:** [Employer X] is committed to promoting the health and safety of our employees. Domestic Violence is a leading cause of injury to women in this country. The purpose of this policy is to heighten awareness of domestic violence and to provide guidance for employees and management to address the occurrence of domestic violence and its effects in the workplace.
- II. DEFINITIONS:**
- A. Domestic Violence:** A pattern of coercive behavior that is used by one person to gain power and control over another which may include physical violence, sexual, emotional and psychological intimidation, verbal abuse, stalking, and economic control. Domestic violence occurs between people of all racial, economic, educational, religious backgrounds, in heterosexual and same sex relationships, living together or separately, married or unmarried, in short term or long term relationships. Domestic violence is a major cause of injury to women, although men also may be victims of such violence.
- B. Batterer, Perpetrator, or Abuser:** The individual who commits an act of domestic violence as defined above.
- C. Batterers' Intervention Programs:** Programs batterers attend that are designed to eliminate violence in intimate relationships, stop other forms of abusive behavior and increase victim safety. Inappropriate batterers' intervention programs include, but are not limited to couples, marriage, or family counseling and anger management courses. These have proven to be ineffective in stopping domestic violence.
- D. Survivor or Victim:** The individual who is the subject of an act of domestic violence.
- E. Employer Resources:** Work time, workplace phones, fax machines, inter-office mail, e-mail, or any other property of the employer.

DRAFT- 5/12/97

III. POLICY:

A. Early Intervention and Education Prevention Strategies

1. It is the policy of [Employer X] to use early prevention strategies in order to avoid or minimize the occurrence and effects of domestic violence in the workplace. [Employer X] will provide available support and assistance to employees who are survivors of domestic violence. This support may include: confidential means for coming forward for help, resource and referral information, additional security at the workplace, work schedule adjustments or leave necessary to obtain medical, counseling, or legal assistance, and workplace relocation. Other appropriate assistance will be provided based on individual need. In all responses to domestic violence, [Employer X] will respect the confidentiality and autonomy of the adult survivor to direct her or his own life, to the fullest extent permitted by law.
2. [Employer X] will attempt to maintain, publish, and post in locations of high visibility, such as bulletin boards and break rooms, company phone directories, and on-line information data bases, a list of resources for survivors and perpetrators of domestic violence, including but not limited to: The statewide domestic violence hotline number [(xxx) xxx-xxxx], the national domestic violence hotline number (800) 799-SAFE, [the Employee Assistance Program number], the phone number and description of local domestic violence resources, and a list of local batterers' intervention programs.

B. Zero Tolerance for Acts or Threats of Domestic Violence at [Employer X] Work Sites

1. [Employer X] will not tolerate domestic violence directed towards any employee or client while in [Employer X's] offices, facilities, work sites, vehicles, or while conducting business on behalf of [Employer X]. This includes the display of any violent, aggressive, or threatening behavior (verbal or physical) that results in physical or emotional injury or otherwise places a person's safety and productivity at risk.
2. Any employee who threatens or abuses someone in the workplace; or abuses someone out of the workplace by use of [Employer X's] resources will be subjected to corrective or disciplinary action, up to and including dismissal.

DRAFT- 5/12/97**C. Leave Options for Employees who are Experiencing Threats of Violence**

1. At times, an employee may need to be absent from work due to family violence, and the length of time should be determined by the individual's situation. This time period shall be determined through collaboration with the employee, supervisor/manager, Human Resources representative, [and union representative, where the employee is represented].
2. Employees, supervisors, and managers are encouraged to first explore whether paid options can be arranged which will help the employee cope with a family violence situation without having to take a formal unpaid leave of absence. Depending on the circumstances, this may include:
 - * Arranging flexible work hours so that the employee can handle legal matters, court appearances, housing, and childcare.
 - * Consider [sick, annual, shared, leave, compensatory time, or leave without pay], especially if requests are for relatively short periods.

D. Disciplinary Procedures for Employees with Performance Issues Related to Domestic Violence

1. While the employer retains the right to discipline employees for cause, [Employer X] recognizes that victims of domestic violence may have performance or conduct problems such as chronic absenteeism or inability to concentrate as a result of the violence. When an employee subject to discipline confides that the job performance or conduct problem is caused by domestic violence, a referral for appropriate assistance should be offered to the employee.
2. The manager, in collaboration with the employee, Employee Assistance counselor, Human Resource representative, [and union representative, where employee is represented] should allow a reasonable amount of time for the employee to obtain assistance regarding the domestic violence. Managers should be mindful that the effects of domestic violence can be severe and may take extended periods of time to address fully.

DRAFT- 5/12/97

IV. GUIDELINES REGARDING ASSISTANCE FOR SURVIVORS AND PERPETRATORS:

A. General Guidelines

1. The following information is provided to help employees of [Employer X] who are survivors of domestic violence obtain the services they desire and to enhance the safety of [Employer X] workplaces.
2. [Employer X], should show concern and offer available help, but also take care to treat domestic violence as all other employee's personal problems are treated. When believed that an employee is a survivor of violence or has any other personal problem, the focus should be on job performance and supervisors should suggest that the employee get help from a professional person who has expertise in the treatment of that particular problem.
3. Recognizing the absence of services and support for survivors of domestic violence and that a survivor of domestic violence may face threats of violence or death when they attempt to end a violent relationship, supervisors will make efforts to provide a nonjudgmental and supportive environment for the employee which is not dependent on the employee's decisions regarding the relationship.
4. A successful workplace intervention may consist of providing the employee with a non-judgmental place to discuss the violence, information to begin accessing resources in the community, or assisting the employee to formulate a plan to increase that employee's safety.
5. It is important that all employees know how best to respond to the effects of domestic violence on the workplace. The following clarifies roles for all staff:

a. Managers /Supervisors:

1. Participate in domestic violence training as provided.
2. Be aware of physical or behavioral changes in employees and consult with your Human Resources department/Employee Assistance Program/supervisor for advice. Your role is not to diagnose or counsel the employee, but to refer the employee to appropriate resources. The following behaviors may be associated with domestic violence: chronic absenteeism, inappropriate/excessive clothing, obsession with time, repeated physical injuries, isolation, emotional distress, depression,

DRAFT- 5/12/97

distraction, and excessive number of personal phone calls.

3. Managers/Supervisors must be respectful of employees' personal choices. If the manager or supervisor observes the signs and symptoms of violence, it is appropriate to convey concern regarding signs and symptoms and to educate the employee regarding resources available. It is critical that the manager/supervisor respect the employee's privacy and not pressure the employee to disclose any personal information.
4. Be responsive when an employee who is either the survivor or the perpetrator of domestic violence asks for help. Immediately contact your Human Resources/Employee Assistance Program/Security professional for assistance.
5. Maintain the confidentiality of domestic violence circumstances and any other referrals under this policy to the extent permitted by law. Inform other employees of the domestic violence circumstances on a need to know basis only. Wherever possible, give advance notice to the employee who is experiencing domestic violence if you need to inform others about the domestic violence situation.
6. Work with the survivor, Human Resources, the Employee Assistance Program, the Legal department, [union representatives], available Security staff, law enforcement, and community domestic violence programs, if necessary, to assist the victim to develop a personal workplace safety plan (See Appendix A) and make reasonable accommodation of that plan.

When assisting an employee to develop a personal workplace safety plan, ask what changes, if any, could be made at their workplace to make them feel safer. Survivors 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, but allow them to decide what goes in the final plan. However, if it is determined that other employees or customers are at risk, it is essential to take measures to provide protection for them.

7. If possible, the supervisor will make efforts to adjust the survivor/employee's work schedule and/or grant leave [sick, annual, shared, leave, compensatory time, or leave without pay] if the employee needs to take time off for medical assistance, legal assistance, court

DRAFT- 5/12/97

appearances, counseling, relocation, or to make other necessary arrangements to enhance her or his safety. Be sure to follow all applicable personnel policies and procedures, [union contract provisions,] and statutes. This approved leave should not be held against the employee.

8. The employee should maintain communication with their manager during their absence. **Maintain the confidentiality of the employee's whereabouts.**
9. Work with Human Resource managers [and union representatives, if applicable,] to relocate employee to an alternate worksite, whenever feasible, if the employee requests to relocate for safety reasons. If relocation is offered, it should not produce any reduction in pay, status, or benefits.
10. With Human Resources or Communication department approval, post information about domestic violence in your work area. Also, have information available where employees can obtain it without having to request it or be seen removing it. Some suggestions are: restrooms, lunchrooms, or where other employee resource information is located.
11. Comply with all civil protection orders. If both the plaintiff and defendant in a civil protection order are employees of [Employer X], managers must work with Human Resources, the Legal department, Employee Assistance counselors, and Security to ensure that the defendant is relocated to a workspace in which the defendant will have no contact with the plaintiff. If you observe violations of the protection orders, document these violations and encourage the victim to call the police and/or contact the Legal department.
12. Respect the employee's boundaries and privacy, even if you disagree with the decisions she/he is making regarding the relationship. A survivor of domestic violence may make numerous attempts to leave before she/he is finally able to leave her/his batterer. It is often difficult to leave because of financial and childcare responsibilities, or threats of violence.
13. After consultation with Human Resources and legal counsel, take any appropriate disciplinary action consistent with policy and procedure [and collective bargaining agreements], up to and including termination.

DRAFT- 5/12/97

against employees who: use [Employer X] resources to perpetrate domestic violence outside of the workplace; harass, threaten, or commit an act of domestic violence in the workplace or while conducting [Employer X] business; or who are convicted of a crime as a result of domestic violence when such action affects the work performance of the employee or affects the normal operation of [Employer X].

14. Inform subordinates on a periodic basis about the employer's policy and procedures on encouraging work environments free from violence, threats and harassment.

b. Human Resource Professionals:

1. Participate in domestic violence training as provided.
2. Maintain a list of services available to survivors and perpetrators of domestic violence. This list should include: the national domestic violence hotline number, (800) 799-SAFE, the State Domestic Violence Coalition number [(xxx)-xxxx], Employee Assistance Program, local domestic violence shelters, certified batterers' intervention programs available to perpetrators, information on how to obtain civil orders of protection and criminal justice options, and any other available community resources.
3. Be a resource to employees, managers, and supervisors in addressing domestic violence situations.
4. Work with survivors, Security staff, the Legal department, [union representatives], law enforcement, and community domestic violence programs, if necessary, to develop a personal workplace safety plan to minimize the risk to the victim, other employees, and clients.
5. Work with supervisors, managers, [and union representatives] to grant leave, adjust work schedules, or attempt to find continued employment for employees who are survivors of domestic violence, if possible.
6. Maintain the confidentiality of domestic violence circumstances and any other referrals under this policy to the extent permitted by law.
7. Consult legal counsel and advise supervisors and managers in considering corrective actions against employees who: use [Employer X] resources

DRAFT- 5/12/97

such as phones, mail, faxes, etc. to perpetrate domestic violence; to harass, threaten, or commit an act of domestic violence in the workplace or while conducting [Employer X] business; or who are convicted of a crime as a result of domestic violence when such action affects the work performance of the employee or affects the normal operation of [Employer X].

8. Work with the survivor, the manager, the Employee Assistance Program, the Legal department, [union representatives], available Security staff, law enforcement, and community domestic violence programs, if necessary, to develop a personal workplace safety plan for the victim. (See Appendix A).

When assisting an employee to develop a workplace safety plan, ask what changes, if any, could be made at their workplace to make them feel safer. Survivors of domestic violence know their abusers better than anyone else. When it comes to their own safety, offer to assist them in developing a workplace safety plan, but allow them to decide what goes in the final plan. If it is determined that other employees or clients are at risk, it is essential to take measures to provide protection for them.

c. Employee Assistance Professionals:

1. Participate in domestic violence training as provided.
2. Train staff on how to identify warning signs of potential violence in both the survivor and the perpetrator, and on how to intervene most effectively.
3. Maintain up-to-date referral resources on domestic violence hotlines, advocacy groups, shelters, counseling services, and legal services (pro bono legal assistance and domestic violence/family court information), as well as resources for perpetrators, including certified batterer's intervention programs. As these resources change frequently, it will be important to verify the referral information frequently.
4. Provide education on domestic violence through existing or new channels such as lunchtime seminars, newsletters, posters, pamphlets, and employee and management trainings.

DRAFT- 5/12/97

5. Educate the employer about the Employee Assistance Program's ability to intervene in domestic violence situations. Inform management of the need to call the Employee Assistance counselor to consult about any domestic violence situations that they become aware of, including concerns about either survivors or perpetrators.
6. Work with survivors, Human Resource professionals, Security staff, the Legal department, [union representatives], law enforcement and community domestic violence programs to develop a personal workplace safety plan to minimize the risk to the victim, other employees, and clients.
7. Maintain strictest confidentiality and respect the survivor's need to be self-directing. When appropriate, with the survivor's written permission, provide advice and consultation to supervisors with respect to issues of domestic violence in the workplace in order to achieve workplace cooperation regarding leave of absence, fair consideration of any performance or conduct problems directly related to the violence, safety needs, disciplinary actions towards a perpetrator who works with a survivor and abuses that person in the workplace, and access to any other needed services. Discuss with Human Resources any personnel policy which may negatively impact survivors.
8. Establish a relationship with domestic violence service agencies in the community, sharing information and resources. One method of establishing a working relationship with a community organization would be to ask their staff to participate in workplace educational events on domestic violence.

d. Security Services:

1. Participate in domestic violence training as provided.
2. Provide consultation and reasonable assistance to employees experiencing domestic violence.
3. Document violations of a restraining order.
4. Respond and intervene, as needed, to calls concerning safety in the workplace.

DRAFT- 5/12/97

5. Accept transferred harassing telephone calls from the employee's abuser, and document the calls.
6. Work closely with appropriate law enforcement agencies to ensure workplace safety.
7. Keep a certified copy of any restraining orders provided by the employee to Security Services in a confidential file. Access to orders and information contained in them should be limited on a need to know basis.

e. Options for Employees who are Survivors of Domestic Violence:

1. Talk with a trusted co-worker, supervisor, [union representative], or manager about your situation.
2. Contact your nearest Employee Assistance Program office: [List phone numbers]
3. Contact the national domestic violence hotline at (800) 799-SAFE, the State Coalition Against Domestic Violence at [(xxx)xxx-xxxx], or the local domestic violence agency at [(xxx) xxx-xxxx].
4. Call the local police if you are in immediate danger.
5. Notify your supervisor of the possible need to be absent and find out your leave options. Be clear about your plan to return to work and maintain communications with your supervisor during your absence. If necessary and available, make alternate arrangements for receiving your paycheck.
6. If you are concerned about your safety at work, submit a recent photograph of the abuser and a copy of your protection order to your supervisor, the Legal department, Security, and the police department. This assists your employer in identifying the abuser should he/she appear in the workplace.
7. Work with your supervisor, Human Resource manager, or Employee Assistance Program manager to develop a safety plan (See Appendix A).

DRAFT- 5/12/97**f. Options for Employees Who are Perpetrators of Domestic Violence:**

1. Contact the nearest Employee Assistance Program office for confidential consultation and resources. [List phone numbers here].
2. Contact a batterer's intervention program: [List phone numbers here].

g. Options for Other Employees Who Have Concerns About Domestic Violence:

1. If you know or believe that a co-worker is a victim of domestic violence, communicate your concerns for her or his safety. Be clear that your role is to help and not to judge. Refer the employee to the Employee Assistance Program, a local domestic violence agency, or the national domestic violence hotline at (800) 799-SAFE. Maintain the confidentiality of the domestic violence circumstances and any other referrals under this policy to the extent permitted by law. Discuss the employee's situation with employee assistance counselors, human resources, or a local domestic violence program for further guidance.
2. Report any threats or violence that you experience or witness to your supervisor, Human Resources, Security, or the Employee Assistance Program.
3. Volunteer at a local domestic violence shelter or organize a workplace drive for domestic violence shelters.

DRAFT- 5/12/97

Appendix A

Components of a Workplace Safety Plan:

- a. Consider obtaining a civil order for protection and make sure that it is current and on hand at all times. Include the workplace on the order. A copy should be provided to the police, the employee's supervisor, Human Resources, the employee's reception area, the Legal department, and Security if the abusive partner may come to the work site.
- b. Consider providing a picture of the perpetrator to reception areas and/or security.
- c. Consider identifying an emergency contact person should your employer be unable to contact you.
- d. Review the safety of the your parking arrangements.
- e. Consider having Security escort you to and from your car or public transportation.
- f. Consider a change and/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.
- g. Consider having your telephone calls screened at work.
- h. Consider installing additional security measures for your work site. It may be possible to post security near your work site, install security cameras or silent alarms at your work site, relocate your work station to a more secure area, or provide you with a cellular phone for emergency use at work.
- i. Review the safety of your childcare arrangements. If you have a protective order, make sure the provider has a copy.

MEMORANDUM

TO: TOM FREEDMAN
FROM: MARY L. SMITH
RE: NATIONAL WORK TO END DOMESTIC VIOLENCE DAY
DATE: JUNE 4, 1997

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SUMMARY

The second annual *National Work to End Domestic Violence Day* will be held on Wednesday, October 1, 1997. Throughout the country, dozens of private businesses, public agencies, and unions that collectively employ millions of people will hold programs and distribute materials that alert workers to the prevalence of domestic violence. [Highlights of last year's event].

RECOMMENDATION

- Hold a White House event on October 1, 1997 to recognize the *National Work to End Domestic Violence Day*, inviting businesses and unions to participate.
- Announce that many of the employers are adopting a *Model Policy on Domestic Violence in the Workplace*.
- Announce alarm systems for battered women to be donated?

STATISTICS

- 94% of corporate security and safety directors surveyed ranked domestic violence as a high security problem.
- In an estimated 60,000 incidents of on-the-job violence, the victims knew their attackers intimately.
- The National Institute of Justice estimates that from 1987 to 1990, domestic violence cost Americans \$67 billion a year.
- In one study, abusive husbands and partners harassed 74% of employed battered women at work, either in person or over the telephone, causing 56% of them to be late for work at least five times a month, 28% to leave early at least five days a month, and 54% to miss at least three full days of work a month.

MODEL POLICY ON DOMESTIC VIOLENCE IN THE WORKPLACE

The Model Policy on Domestic Violence in the Workplace [5/12/97 draft attached] is a policy for employers to adopt in order to promote the health and safety of its employees, to heighten awareness of domestic violence, and to provide guidance for employees and management to address the occurrence of domestic violence and its effects in the workplace. The model policy emphasizes early intervention and education prevention strategies; zero tolerance for acts or threats of domestic violence in the workplace; leave options for employees experiencing threats of violence; and referral to assistance agencies for victims of domestic violence before disciplining for performance problems.

PARTICIPANTS

- Office for Victims of Crime
- Violence Against Women Office
- Aetna, Inc.
- American Council of Life Insurance
- American Federation of State, County, and Municipal Employees
- Bank of America
- Bechtel
- The Body Shop
- The Gap
- Kaiser Permanente
- Levi Strauss Foundation
- Liz Claiborne
- Marshalls
- Mintz, Levin, Cohn, Ferris, Glovsky, and Popeo, PC
- National Association of Manufacturers
- Newton-Wellsley Hospital
- NOW Legal Defense and Education Fund
- Polaroid Corporation
- Reebok
- Service Employees International Union
- Wells Fargo Bank
- WorkSafe



National Workplace Resource Center on Domestic Violence

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Executive Director
The Soler

Thank you to everyone who made the first ever Domestic Violence Workplace Education Day such an overwhelming success!

On October 1st, dozens of private businesses, public agencies, and unions, that collectively employ millions of people, held programs and distributed materials that alert employees to the prevalence and severity of domestic violence. The support and enthusiasm from employers of all sizes and types, in every part of the country, far exceeded our expectations.

Domestic Violence Workplace Education Day was made possible by the support of the founding members of the National Workplace Resource Center on Domestic Violence, a project of the Family Violence Prevention Fund: **Aetna Inc., American Council of Life Insurance, American Federation of State, County and Municipal Employees, Bank of America, Bechtel, Food Marketing Institute, Kaiser Permanente, Levi Strauss, Liz Claiborne, Marshalls, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, PC, National Association of Manufacturers, Polaroid, Reebok, Service Employees International Union, The Body Shop, The Gap, and Wells Fargo Bank.**

Some of the highlights of Domestic Violence Workplace Education Day included the following:

- * Marshalls, a leading off-price family retailer, distributed the Family Violence Prevention Fund's personal action kits to all 65,000 employees and placed materials in women's restrooms in all its stores.
- * David Lawrence, CEO of Kaiser Permanente, spoke at a lunchtime event at the corporate headquarters in Oakland, California.
- * The Gap distributed victim safety cards, informational materials and displayed posters at corporate headquarters in San Francisco, San Bruno, and New York.
- * Polaroid held a series of lunchtime seminars on the impact of family violence in the workplace and conducted a training for the employees of the City of Lowell, Massachusetts.

- The American Federation of State, County, and Municipal Employees, Service Employees International Union, AFL-CIO, and Coalition of Labor Women Union, distributed Workplace Education Day kits and posters to over 600 union leaders and activists throughout the country. The poster outlines how unions can take action to prevent domestic violence.
- Target stores held educational events at its corporate headquarters in the Minneapolis area, displayed posters on domestic violence in offices, placed brochures on domestic violence in company restrooms, and distributed information to its 140,000 employees throughout the nation.
- Bell/Atlantic/NYNEX Mobile issued educational e-mails to its more than 6,000 employees every day for a week to heighten their awareness of domestic violence and mobilize them to take action.
- Reebok distributed t-shirts on domestic violence to employees, invited a police officer to lecture to employees about domestic violence, and held a self-defense class for employees.
- Liz Claiborne distributed informational materials to employees suggesting action steps for men and women to take to end abuse.
- The American Council of Life Insurance circulated the "10 Steps to Take in the Workplace to End Domestic Violence" and urged their members to participate in Workplace Education Day.
- Bank of America included information about the FUND's website and Employee Assistance Program resources in an Employee Newsletter.
- Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, PC held a leadership breakfast for CEOs regarding domestic violence and distributed Workplace Education Day organizing kits to attendees.
- Aetna sponsored the exhibition of the 'Clothesline' art show, a display of more than 100 tee-shirts decorated with artwork by survivors of domestic and sexual violence, and included an article on domestic violence in a company publication.
- Attorney General, Janet Reno, spoke to Department of Justice employees on October 1st at a domestic violence information fair.
- Florida Governor Lawton Chiles announced a model domestic violence policy and held educational events for employees on October 1. Washington Governor Mike Lowry announced model domestic violence policies for state employees. Lowry also distributed pamphlets and displayed 15,000 FUND posters on battering in state offices.

- * In a joint announcement with four local unions, Los Angeles City Attorney, James K. Hahn presented the Workplace Domestic Violence Policy for employees of the City Attorney.
- * Cascade Engineering, in Grand Rapids, Michigan distributed materials and held breakfast and lunchtime educational sessions for employees.
- * Courts throughout New York state held educational events on October 1st.
- * Acme Materials and Construction Co., of Spokane, Washington conducted a coloring contest for children of employees and gave prizes to the child with the best picture of a happy family, displayed posters on battering at work sites, and collected donations for a local domestic violence agency.

This represents only a fraction of Workplace Education Day events. A full list of participants is attached. All the events were made possible by your hard work and by the generous leadership of the founding members of the National Workplace Resource Center on Domestic Violence.

We have included some examples of different strategies employers and unions utilized to educate employees and union members about domestic violence. You will find in the enclosed materials sample newsletter articles, sample brochures, sample letters from CEOs, sample posters, and many other great ideas for your next Workplace Education Day. Organizing kits for Workplace Education Day 1997 will be available in March 1997. To become a member of the National Workplace Resource Center on Domestic Violence or to obtain a 1997 Workplace Education Day organizing kit, call Donna Norton at (415) 252-8900, ext. 25. Thanks again for all your great work!

DRAFT- 5/12/97

FAMILY VIOLENCE PREVENTION FUND
NATIONAL WORKPLACE RESOURCE CENTER ON DOMESTIC VIOLENCE
MODEL POLICY ON DOMESTIC VIOLENCE IN THE WORKPLACE

This model policy may be adapted as a unified domestic violence policy or its component parts may be integrated into already existing related policies and/or guidelines.

The Family Violence Prevention Fund would like to acknowledge the support and counsel of the Office for Victims of Crime and the Advisory Committee of the National Workplace Resource Center on Domestic Violence. The Fund would especially like to thank Judith Bonderman and Katherine Garrett of the Office for Victims of Crimes, Sarah Connell of the Violence Against Women Office, Shaun Dix and Atlanta McIlwraith of The Body Shop, Julie Goldscheid, Esq. of NOW Legal Defense and Education Fund, Stephanie Harkness of Wells Fargo Bank, Steve Moskey, Catherine O'Reilly Collette of the American Federation of State, County, and Municipal Employees, Jim Hardeman of Polaroid Corporation, Eve Sheedy, Esq. of WorkSafe, Lauren Slovic, Karen Thomas, Dianne Yamashiro-Omi of The Gap, Beverly Younger Urban of Bank of America, and the members of the San Francisco Department of Public Health Domestic Violence in the Workplace Planning Group for comments on earlier drafts of this policy. This policy has also benefitted from the examples of policies or guidelines on domestic violence from Mintz, Levin, Cohn, Ferris, Glovsky, and Popeo, PC, Newton-Wellsley Hospital, Office of the Los Angeles City Attorney, Polaroid Corporation, Sacred Heart Medical Center, State of Florida, and State of Washington.

DRAFT- 5/12/97

FAMILY VIOLENCE PREVENTION FUND
NATIONAL WORKPLACE RESOURCE CENTER ON DOMESTIC VIOLENCE
MODEL POLICY ON DOMESTIC VIOLENCE IN THE WORKPLACE

- I. PURPOSE:** [Employer X] is committed to promoting the health and safety of our employees. Domestic Violence is a leading cause of injury to women in this country. The purpose of this policy is to heighten awareness of domestic violence and to provide guidance for employees and management to address the occurrence of domestic violence and its effects in the workplace.
- II. DEFINITIONS:**
- A. Domestic Violence:** A pattern of coercive behavior that is used by one person to gain power and control over another which may include physical violence, sexual, emotional and psychological intimidation, verbal abuse, stalking, and economic control. Domestic violence occurs between people of all racial, economic, educational, religious backgrounds, in heterosexual and same sex relationships, living together or separately, married or unmarried, in short term or long term relationships. Domestic violence is a major cause of injury to women, although men also may be victims of such violence.
 - B. Batterer, Perpetrator, or Abuser:** The individual who commits an act of domestic violence as defined above.
 - C. Batterers' Intervention Programs:** Programs batterers attend that are designed to eliminate violence in intimate relationships, stop other forms of abusive behavior and increase victim safety. Inappropriate batterers' intervention programs include, but are not limited to couples, marriage, or family counseling and anger management courses. These have proven to be ineffective in stopping domestic violence.
 - D. Survivor or Victim:** The individual who is the subject of an act of domestic violence.
 - E. Employer Resources:** Work time, workplace phones, fax machines, inter-office mail, e-mail, or any other property of the employer.

DRAFT- 5/12/97

III. POLICY:

A. Early Intervention and Education Prevention Strategies

1. It is the policy of [Employer X] to use early prevention strategies in order to avoid or minimize the occurrence and effects of domestic violence in the workplace. [Employer X] will provide available support and assistance to employees who are survivors of domestic violence. This support may include: confidential means for coming forward for help, resource and referral information, additional security at the workplace, work schedule adjustments or leave necessary to obtain medical, counseling, or legal assistance, and workplace relocation. Other appropriate assistance will be provided based on individual need. In all responses to domestic violence, [Employer X] will respect the confidentiality and autonomy of the adult survivor to direct her or his own life, to the fullest extent permitted by law.
2. [Employer X] will attempt to maintain, publish, and post in locations of high visibility, such as bulletin boards and break rooms, company phone directories, and on-line information data bases, a list of resources for survivors and perpetrators of domestic violence, including but not limited to: The statewide domestic violence hotline number [(xxx) xxx-xxxx], the national domestic violence hotline number (800) 799-SAFE, [the Employee Assistance Program number], the phone number and description of local domestic violence resources, and a list of local batterers' intervention programs.

B. Zero Tolerance for Acts or Threats of Domestic Violence at [Employer X] Work Sites

1. [Employer X] will not tolerate domestic violence directed towards any employee or client while in [Employer X's] offices, facilities, work sites, vehicles, or while conducting business on behalf of [Employer X]. This includes the display of any violent, aggressive, or threatening behavior (verbal or physical) that results in physical or emotional injury or otherwise places a person's safety and productivity at risk.
2. Any employee who threatens or abuses someone in the workplace; or abuses someone out of the workplace by use of [Employer X's] resources will be subjected to corrective or disciplinary action, up to and including dismissal.

DRAFT- 5/12/97**C. Leave Options for Employees who are Experiencing Threats of Violence**

1. At times, an employee may need to be absent from work due to family violence, and the length of time should be determined by the individual's situation. This time period shall be determined through collaboration with the employee, supervisor/manager, Human Resources representative, [and union representative, where the employee is represented].
2. Employees, supervisors, and managers are encouraged to first explore whether paid options can be arranged which will help the employee cope with a family violence situation without having to take a formal unpaid leave of absence. Depending on the circumstances, this may include:
 - * Arranging flexible work hours so that the employee can handle legal matters, court appearances, housing, and childcare.
 - * Consider [sick, annual, shared, leave, compensatory time, or leave without pay], especially if requests are for relatively short periods.

D. Disciplinary Procedures for Employees with Performance Issues Related to Domestic Violence

1. While the employer retains the right to discipline employees for cause, [Employer X] recognizes that victims of domestic violence may have performance or conduct problems such as chronic absenteeism or inability to concentrate as a result of the violence. When an employee subject to discipline confides that the job performance or conduct problem is caused by domestic violence, a referral for appropriate assistance should be offered to the employee.
2. The manager, in collaboration with the employee, Employee Assistance counselor, Human Resource representative, [and union representative, where employee is represented] should allow a reasonable amount of time for the employee to obtain assistance regarding the domestic violence. Managers should be mindful that the effects of domestic violence can be severe and may take extended periods of time to address fully.

DRAFT- 5/12/97

IV. GUIDELINES REGARDING ASSISTANCE FOR SURVIVORS AND PERPETRATORS:

A. General Guidelines

1. The following information is provided to help employees of [Employer X] who are survivors of domestic violence obtain the services they desire and to enhance the safety of [Employer X] workplaces.
2. [Employer X], should show concern and offer available help, but also take care to treat domestic violence as all other employee's personal problems are treated. When believed that an employee is a survivor of violence or has any other personal problem, the focus should be on job performance and supervisors should suggest that the employee get help from a professional person who has expertise in the treatment of that particular problem.
3. Recognizing the absence of services and support for survivors of domestic violence and that a survivor of domestic violence may face threats of violence or death when they attempt to end a violent relationship, supervisors will make efforts to provide a nonjudgmental and supportive environment for the employee which is not dependent on the employee's decisions regarding the relationship.
4. A successful workplace intervention may consist of providing the employee with a non-judgmental place to discuss the violence, information to begin accessing resources in the community, or assisting the employee to formulate a plan to increase that employee's safety.
5. It is important that all employees know how best to respond to the effects of domestic violence on the workplace. The following clarifies roles for all staff:

a. Managers /Supervisors:

1. Participate in domestic violence training as provided.
2. Be aware of physical or behavioral changes in employees and consult with your Human Resources department/Employee Assistance Program/supervisor for advice. Your role is not to diagnose or counsel the employee, but to refer the employee to appropriate resources. The following behaviors may be associated with domestic violence: chronic absenteeism, inappropriate/excessive clothing, obsession with time, repeated physical injuries, isolation, emotional distress, depression,

DRAFT- 5/12/97

distraction, and excessive number of personal phone calls.

3. Managers/Supervisors must be respectful of employees' personal choices. If the manager or supervisor observes the signs and symptoms of violence, it is appropriate to convey concern regarding signs and symptoms and to educate the employee regarding resources available. It is critical that the manager/supervisor respect the employee's privacy and not pressure the employee to disclose any personal information.
4. Be responsive when an employee who is either the survivor or the perpetrator of domestic violence asks for help. Immediately contact your Human Resources/Employee Assistance Program/Security professional for assistance.
5. Maintain the confidentiality of domestic violence circumstances and any other referrals under this policy to the extent permitted by law. Inform other employees of the domestic violence circumstances on a need to know basis only. Wherever possible, give advance notice to the employee who is experiencing domestic violence if you need to inform others about the domestic violence situation.
6. Work with the survivor, Human Resources, the Employee Assistance Program, the Legal department, [union representatives], available Security staff, law enforcement, and community domestic violence programs, if necessary, to assist the victim to develop a personal workplace safety plan (See Appendix A) and make reasonable accommodation of that plan.

When assisting an employee to develop a personal workplace safety plan, ask what changes, if any, could be made at their workplace to make them feel safer. Survivors 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, but allow them to decide what goes in the final plan. However, if it is determined that other employees or customers are at risk, it is essential to take measures to provide protection for them.

7. If possible, the supervisor will make efforts to adjust the survivor/employee's work schedule and/or grant leave [sick, annual, shared, leave, compensatory time, or leave without pay] if the employee needs to take time off for medical assistance, legal assistance, court

DRAFT- 5/12/97

appearances, counseling, relocation, or to make other necessary arrangements to enhance her or his safety. Be sure to follow all applicable personnel policies and procedures, [union contract provisions,] and statutes. This approved leave should not be held against the employee.

8. The employee should maintain communication with their manager during their absence. **Maintain the confidentiality of the employee's whereabouts.**
9. Work with Human Resource managers [and union representatives, if applicable,] to relocate employee to an alternate worksite, whenever feasible, if the employee requests to relocate for safety reasons. If relocation is offered, it should not produce any reduction in pay, status, or benefits.
10. With Human Resources or Communication department approval, post information about domestic violence in your work area. Also, have information available where employees can obtain it without having to request it or be seen removing it. Some suggestions are: restrooms, lunchrooms, or where other employee resource information is located.
11. Comply with all civil protection orders. If both the plaintiff and defendant in a civil protection order are employees of [Employer X], managers must work with Human Resources, the Legal department, Employee Assistance counselors, and Security to ensure that the defendant is relocated to a workspace in which the defendant will have no contact with the plaintiff. If you observe violations of the protection orders, document these violations and encourage the victim to call the police and/or contact the Legal department.
12. Respect the employee's boundaries and privacy, even if you disagree with the decisions she/he is making regarding the relationship. A survivor of domestic violence may make numerous attempts to leave before she/he is finally able to leave her/his batterer. It is often difficult to leave because of financial and childcare responsibilities, or threats of violence.
13. After consultation with Human Resources and legal counsel, take any appropriate disciplinary action consistent with policy and procedure [and collective bargaining agreements], up to and including termination,

DRAFT- 5/12/97

against employees who: use [Employer X] resources to perpetrate domestic violence outside of the workplace; harass, threaten, or commit an act of domestic violence in the workplace or while conducting [Employer X] business; or who are convicted of a crime as a result of domestic violence when such action affects the work performance of the employee or affects the normal operation of [Employer X].

14. Inform subordinates on a periodic basis about the employer's policy and procedures on encouraging work environments free from violence, threats and harassment.

b. Human Resource Professionals:

1. Participate in domestic violence training as provided.
2. Maintain a list of services available to survivors and perpetrators of domestic violence. This list should include: the national domestic violence hotline number, (800) 799-SAFE, the State Domestic Violence Coalition number [(xxx)-xxxx], Employee Assistance Program, local domestic violence shelters, certified batterers' intervention programs available to perpetrators, information on how to obtain civil orders of protection and criminal justice options, and any other available community resources.
3. Be a resource to employees, managers, and supervisors in addressing domestic violence situations.
4. Work with survivors, Security staff, the Legal department, [union representatives], law enforcement, and community domestic violence programs, if necessary, to develop a personal workplace safety plan to minimize the risk to the victim, other employees, and clients.
5. Work with supervisors, managers, [and union representatives] to grant leave, adjust work schedules, or attempt to find continued employment for employees who are survivors of domestic violence, if possible.
6. Maintain the confidentiality of domestic violence circumstances and any other referrals under this policy to the extent permitted by law.
7. Consult legal counsel and advise supervisors and managers in considering corrective actions against employees who: use [Employer X] resources

DRAFT- 5/12/97

such as phones, mail, faxes, etc. to perpetrate domestic violence; to harass, threaten, or commit an act of domestic violence in the workplace or while conducting [Employer X] business; or who are convicted of a crime as a result of domestic violence when such action affects the work performance of the employee or affects the normal operation of [Employer X].

8. Work with the survivor, the manager, the Employee Assistance Program, the Legal department, [union representatives], available Security staff, law enforcement, and community domestic violence programs, if necessary, to develop a personal workplace safety plan for the victim. (See Appendix A).

When assisting an employee to develop a workplace safety plan, ask what changes, if any, could be made at their workplace to make them feel safer. Survivors of domestic violence know their abusers better than anyone else. When it comes to their own safety, offer to assist them in developing a workplace safety plan, but allow them to decide what goes in the final plan. If it is determined that other employees or clients are at risk, it is essential to take measures to provide protection for them.

c. **Employee Assistance Professionals:**

1. Participate in domestic violence training as provided.
2. Train staff on how to identify warning signs of potential violence in both the survivor and the perpetrator, and on how to intervene most effectively.
3. Maintain up-to-date referral resources on domestic violence hotlines, advocacy groups, shelters, counseling services, and legal services (pro bono legal assistance and domestic violence/family court information), as well as resources for perpetrators, including certified batterer's intervention programs. As these resources change frequently, it will be important to verify the referral information frequently.
4. Provide education on domestic violence through existing or new channels such as lunchtime seminars, newsletters, posters, pamphlets, and employee and management trainings.

DRAFT- 5/12/97

5. Educate the employer about the Employee Assistance Program's ability to intervene in domestic violence situations. Inform management of the need to call the Employee Assistance counselor to consult about any domestic violence situations that they become aware of, including concerns about either survivors or perpetrators.
6. Work with survivors, Human Resource professionals, Security staff, the Legal department, [union representatives], law enforcement and community domestic violence programs to develop a personal workplace safety plan to minimize the risk to the victim, other employees, and clients.
7. Maintain strictest confidentiality and respect the survivor's need to be self-directing. When appropriate, with the survivor's written permission, provide advice and consultation to supervisors with respect to issues of domestic violence in the workplace in order to achieve workplace cooperation regarding leave of absence, fair consideration of any performance or conduct problems directly related to the violence, safety needs, disciplinary actions towards a perpetrator who works with a survivor and abuses that person in the workplace, and access to any other needed services. Discuss with Human Resources any personnel policy which may negatively impact survivors.
8. Establish a relationship with domestic violence service agencies in the community, sharing information and resources. One method of establishing a working relationship with a community organization would be to ask their staff to participate in workplace educational events on domestic violence.

d. Security Services:

1. Participate in domestic violence training as provided.
2. Provide consultation and reasonable assistance to employees experiencing domestic violence.
3. Document violations of a restraining order.
4. Respond and intervene, as needed, to calls concerning safety in the workplace.

DRAFT- 5/12/97

5. Accept transferred harassing telephone calls from the employee's abuser, and document the calls.
6. Work closely with appropriate law enforcement agencies to ensure workplace safety.
7. Keep a certified copy of any restraining orders provided by the employee to Security Services in a confidential file. Access to orders and information contained in them should be limited on a need to know basis.

e. Options for Employees who are Survivors of Domestic Violence:

1. Talk with a trusted co-worker, supervisor, [union representative], or manager about your situation.
2. Contact your nearest Employee Assistance Program office: [List phone numbers]
3. Contact the national domestic violence hotline at (800) 799-SAFE, the State Coalition Against Domestic Violence at [(xxx)xxx-xxxx], or the local domestic violence agency at [(xxx) xxx-xxxx].
4. Call the local police if you are in immediate danger.
5. Notify your supervisor of the possible need to be absent and find out your leave options. Be clear about your plan to return to work and maintain communications with your supervisor during your absence. If necessary and available, make alternate arrangements for receiving your paycheck.
6. If you are concerned about your safety at work, submit a recent photograph of the abuser and a copy of your protection order to your supervisor, the Legal department, Security, and the police department. This assists your employer in identifying the abuser should he/she appear in the workplace.
7. Work with your supervisor, Human Resource manager, or Employee Assistance Program manager to develop a safety plan (See Appendix A).

DRAFT- 5/12/97**f. Options for Employees Who are Perpetrators of Domestic Violence:**

1. Contact the nearest Employee Assistance Program office for confidential consultation and resources. [List phone numbers here].
2. Contact a batterer's intervention program: [List phone numbers here].

g. Options for Other Employees Who Have Concerns About Domestic Violence:

1. If you know or believe that a co-worker is a victim of domestic violence, communicate your concerns for her or his safety. Be clear that your role is to help and not to judge. Refer the employee to the Employee Assistance Program, a local domestic violence agency, or the national domestic violence hotline at (800) 799-SAFE. Maintain the confidentiality of the domestic violence circumstances and any other referrals under this policy to the extent permitted by law. Discuss the employee's situation with employee assistance counselors, human resources, or a local domestic violence program for further guidance.
2. Report any threats or violence that you experience or witness to your supervisor, Human Resources, Security, or the Employee Assistance Program.
3. Volunteer at a local domestic violence shelter or organize a workplace drive for domestic violence shelters.

Appendix A

Components of a Workplace Safety Plan:

- a. Consider obtaining a civil order for protection and make sure that it is current and on hand at all times. Include the workplace on the order. A copy should be provided to the police, the employee's supervisor, Human Resources, the employee's reception area, the Legal department, and Security if the abusive partner may come to the work site.
- b. Consider providing a picture of the perpetrator to reception areas and/or security.
- c. Consider identifying an emergency contact person should your employer be unable to contact you.
- d. Review the safety of the your parking arrangements.
- e. Consider having Security escort you to and from your car or public transportation.
- f. Consider a change and/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.
- g. Consider having your telephone calls screened at work.
- h. Consider installing additional security measures for your work site. It may be possible to post security near your work site, install security cameras or silent alarms at your work site, relocate your work station to a more secure area, or provide you with a cellular phone for emergency use at work.
- i. Review the safety of your childcare arrangements. If you have a protective order, make sure the provider has a copy.

MEMORANDUM

TO: BRUCE REED
CC: ELENA KAGAN
FROM: TOM FREEDMAN, MARY L. SMITH
RE: NATIONAL WORK TO END DOMESTIC VIOLENCE DAY
DATE: JUNE 17, 1997

SUMMARY

Domestic violence in the workplace is a surprisingly significant problem. Businesses and the Family Violence Prevention Fund have joined together to create a model policy. We recommend a White House event on this day to highlight the problem of domestic violence in the workplace.

THE PROBLEM

- 94% of corporate security and safety directors surveyed ranked domestic violence as a high security problem.
- In an estimated 60,000 incidents of on-the-job violence, the victims knew their attackers intimately. See attached N.Y. Times article dated March 10, 1996.
- In one study, abusive husbands and partners harassed 74% of employed battered women at work, either in person or over the telephone, causing 56% of them to be late for work at least five times a month, 28% to leave early at least five days a month, and 54% to miss at least three full days of work a month.
- The National Institute of Justice estimates that from 1987 to 1990, domestic violence cost Americans \$67 billion a year.

MODEL POLICY ON DOMESTIC VIOLENCE IN THE WORKPLACE

The Model Policy on Domestic Violence in the Workplace is a policy for employers to adopt in order to promote the health and safety of its employees, to heighten awareness of domestic violence, and to provide guidance for employees and management to address the occurrence of domestic violence and its effects in the workplace. The model policy emphasizes early intervention and education prevention strategies; zero tolerance for acts or threats of domestic violence in the workplace; leave options for employees experiencing threats of violence; and referral to assistance agencies for victims of domestic violence before disciplining for performance problems.

DOJ is also in the final stages of issuing a policy regarding violence against women in the federal workplace.

SOME PARTICIPANTS IN LAST YEAR'S EVENT

- Office for Victims of Crime
- Violence Against Women Office
- Aetna, Inc.
- American Council of Life Insurance
- American Federation of State, County, and Municipal Employees
- Bank of America
- Bechtel
- The Body Shop
- The Gap
- Kaiser Permanente
- Levi Strauss Foundation
- Liz Claiborne
- Marshalls
- Mintz, Levin, Cohn, Ferris, Glovsky, and Popeo, PC
- National Association of Manufacturers
- Newton-Wellsley Hospital
- NOW Legal Defense and Education Fund
- Polaroid Corporation
- Reebok
- Service Employees International Union
- Wells Fargo Bank
- WorkSafe

POSSIBLE PARTICIPANTS FOR PLANNING MEETING

- Aileen Adams, Office for Victims of Crime
- Betsy Myers, Small Business Administration
- Jackie Agtuca, Office of Violence Against Women, DOJ
- Bonnie Campbell, Violence Against Women Office, DOJ
- Kathy Colette, Director of Women's Rights, AFSME
- Ida Castro, Women's Bureau, Department of Labor
- White House Women's Office
- OPL

RECOMMENDATION

- Hold a White House event on October 1, 1997 to recognize the *National Work to End*

Domestic Violence Day, inviting businesses and unions to participate. The second annual *National Work to End Domestic Violence Day*, organized by the San Francisco-based Family Violence Prevention Fund, will be held on that date. Throughout the country, dozens of private businesses, public agencies, and unions that collectively employ millions of people will hold programs and distribute materials that alert workers to the prevalence of domestic violence.

- Announce that many of the employers are adopting a *Model Policy on Domestic Violence in the Workplace*.
- Announce alarm systems for battered women to be donated?

1ST STORY of Level 1 printed in FULL format.

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LINE: EARNING IT:
Abuse Follows Women to Work

NE: By BARRY MEIER

On December 1, an angry assembly-line worker at a Chrysler Corporation plant in Sterling Heights, Mich., fatally shot Jacqueline Pritchett, a co-worker, before killing himself. The incident was another case of workplace violence, but it had a dark side, too: Ms. Pritchett was killed by a boyfriend against whom she had recently filed an assault complaint.

Workplace violence is a disturbingly common phenomenon. About one million Americans are killed or injured every year in such incidents, according to federal statistics. Such violence also results in thousands of lost workdays, and many companies have taken steps to try to reduce it.

But employers are only beginning to address the other aspect of the Chrysler case: domestic abuse. In an estimated 60,000 incidents of on-the-job violence, victims knew their attackers intimately.

Last year, more than a dozen companies, including the Polaroid Corporation, Claiborne Inc. and Marshalls Inc., formed the National Workplace Resource Center on Domestic Violence to develop a model program of policies and benefits for employees who have been subjected to domestic abuse.

The benefits include traditional assistance like counseling programs. But in some cases, they go well beyond that. A few workers, fearful for their lives, have been secretly moved to new locations and given new jobs. Some companies also enforce protective orders on their premises and provide security to workers being stalked by abusive partners.

But while praising some companies, several experts on domestic abuse said that most businesses were reacting slowly to the problem.

To a large extent, there is not much awareness of it," said Nancy Isaacs, a researcher at the Harvard University School of Public Health who is studying corporate responses to domestic abuse. "For some people, it is not even on the screen."

This inattention can have high stakes for a business. When the abuse involves workplace violence, the company may face legal liability. And Jim Hardeman, director of the corporate assistance program at Polaroid, said employees in abusive situations often had high rates of absenteeism and might be so depressed that the quality of their work could suffer.

Of course, domestic abuse usually takes place at home, and few reliable data are available on its impact on the workplace.

What is troubling, though, is that some companies have hindered employees who want to take a day off to testify in court against someone accused of abuse. Sarah Buel, an assistant district attorney in Quincy, Mass.

Some employers will say that if your life is getting in the way of getting your job done, then maybe you ought to rethink your employment," she said.

Still, a few companies have won praise from the experts for expanding their employee assistance programs.

In one instance, an abused Polaroid employee who feared that her boyfriend would kill her if he learned she planned to leave him was secretly moved by the company to a new city. She is now employed at a different Polaroid operation, and her whereabouts have been kept confidential, Mr. Hardeman said.

For the batterer, she vanished off the face of the earth," he said.

For officials of Liz Claiborne, the challenge was helping abused employees realize that aid was available. So rather than simply conducting seminars, the company also printed brochures on the subject and put them in each employee's mailbox.

It eliminated the 'I don't want to talk about this' reaction," said Robin Scheer Ettinger, the company's director of marketing.

In February, officials of companies that have programs dealing with domestic violence attended a conference in Delaware sponsored by Senator Joseph R. Biden to provide ideas to smaller companies in the state on how to reduce domestic violence. One low-cost suggestion: Place signs in women's bathrooms with the name and telephone number of the local shelter or counseling service for abused women.

"It's in a private place and it does not cost anything," Ms. Scheer Ettinger said.

Another growing area of concern is the liability that companies may face. The widow of 22-year-old Francesia La Rose sued her employer and the company that owned the Houston office building where she worked not long after the young woman was shot to death at work in 1993 by a former boyfriend. Ms. La Rose's lawyer contended that both companies had been made aware that she had obtained a restraining order against the man.

The State Mutual Life Assurance Company of America, Ms. La Rose's employer, and the management concern, the Duddleston Management Company, denied liability. The case was settled last year in a state court in Houston for more than \$100,000.

Victor Schachter, a lawyer in San Francisco who specializes in cases of workplace violence, said a legal obligation to protect employees against domestic abuse in the workplace typically began for an employer when it knew or had reason to know that violence affecting a worker had or was about to take place.

For abused women, the workplace is often a refuge. But one employee at Polaroid, a sales representative, said that when she was seeking a divorce from her husband whom she described as abusive, she became concerned about her safety at work. Polaroid officials said they agreed to enforce on their property a restraining order that was obtained by the woman. Many companies often leave such a step to the police.

A photograph of her husband was given to security guards at Polaroid, who escorted the sales representative to her car after work. Mr. Hardeman, the Polaroid official, said the company had also arranged for her husband to receive counseling. The woman has since remarried.

It is rare, however, for courts to direct companies to enforce restraining orders on their premises, Mr. Schachter said, and companies that overextend themselves on an employee's behalf may do so at their own peril.

"If a company says, 'Mary, we are going to protect you,' and does not and Mary gets injured, they could have a problem," Mr. Schachter said.

Fredrica Lehrman, a lawyer in Washington who heads the domestic abuse project of the Association of Trial Lawyers of America, said the legal options of an employee who was attacked by a spouse or lover in the workplace might also be limited. In states with worker's compensation laws, employees typically cannot sue employers for injuries suffered in the workplace, but must submit claims through worker's compensation, and any recovery is limited, she said.

Still, some companies are clearly becoming more concerned about protecting themselves and their employees from domestic violence.

James Cawood, president of Protective Solutions Inc., a security company in Leandro, Calif., said that a decade ago, only about 10 percent of the cases of workplace violence that his company was hired to handle involved domestic violence.

About 90 percent of the cases back then involved disgruntled employees or customers," Mr. Cawood said. "Nowadays, it's about 50-50."

HIC: Photo: "Crime in the Workplace"

From 1987 to 1992, workers were the victims of nearly a million crimes a year, on average, at a variety of public and private workplaces. And when the victim was a woman, she was much more likely than a man to know the attacker. The chart lists number of rapes, robberies, aggravated assaults, and simple assaults committed in the workplace each year and shows the percentage of all crimes falling into each category. Graph also shows breakdowns of places where crimes took place and the relationship of the victim to the attacker. (Source: Justice Department)

PAGE: ENGLISH

DATE: March 10, 1996