



Model Policy:

Workplace Effects of Domestic Violence for Vermont Employers

I. **PURPOSE:** _____ is committed to promoting the health and safety of all its employees. The purpose of this policy is to heighten awareness of domestic violence and to provide guidance for employees and management in addressing the occurrence of domestic violence and its effects in the workplace.

II. **DEFINITIONS:**

A. Domestic Violence: A pattern of coercive behavior used by one person to gain power and control over another. Domestic Violence may include physical violence, sexual, emotional, and psychological intimidation, verbal abuse, stalking and economic control. Domestic Violence is legally defined in Vermont as occurring between family members or persons who, for any length of time, are living or have lived together as sexual partners or as roommates, are having or have had a sexual relationship, and adults or minors who are dating or have dated. Although men can be victims of domestic violence, it is a major cause of injury or death to women. Domestic Violence occurs between people of all racial, economic, educational and religious backgrounds, in heterosexual and same sex relationships, and between people living together or separately, married or unmarried, and in short-term or long-term relationships.

B. Batterer, Abuser, Offender, Perpetrator: The individual who commits an act of domestic violence as defined above.

C. Survivor or Victim: The individual who has been or is currently the subject of domestic violence.

D. Safety Plan: A course of action and precautions that help the victim maintain safety at work and/or home.

E. Relief from Abuse Order: The Vermont Abuse Prevention Statute (15 V.S.A. Sec. 1101-1115) provides a mechanism for a victim of abuse to apply for a protective order from the Court called a Relief from Abuse Order. The Order restrains an abuser from abusing the victim, prohibits violent or threatening acts and/or harassment, and/or contact or communication with or physical proximity to another person. The Order also addresses possession of the residence and custody of children. An abuse prevention order from another state or U.S. Territory shall be accorded full faith and credit through out Vermont and shall be enforced as if it were an order of this state.

III. **POLICY**

A. Early Intervention and Prevention Strategies

1. It is the policy of _____ to promote the use of early prevention strategies to avoid or minimize the occurrence of domestic violence and its effects in the workplace. _____ will provide support and assistance to employees who are victims 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 adjustment, phone security measures, workplace relocation or leave necessary to obtain medical, counseling, legal assistance, court appearances. Written resource and referral information will be made available in all languages spoken by employees. Other

appropriate assistance will be provided based on individual need. In all responses to domestic violence, _____ will respect the autonomy of the adult survivor, and their confidentiality to the extent permitted by law, to direct her or his own life.

2. _____ through its Agencies and Departments will maintain, publish and post in locations of high visibility, such as bulletin boards, break rooms, company phone directories, and/or on line information sources, a list of resources for victims and perpetrators of domestic abuse. _____ will also maintain, publish and post any other policies regarding maintaining safety at the workplace.

B. Leave Options for Employees Who are Experiencing Threats of Violence

1. At times an employee may need to be absent from work due to domestic violence. The length of time should be determined by the individual's situation and by collaboration among the employee, supervisor/manager, and the human resources and/or personnel office.
2. Managers/Supervisors should be mindful that the effects of domestic violence can be severe and may take extended periods of time to address fully.
3. When possible, _____ will consider leave options consistent with current policy and existing bargaining unit contracts. Employees, supervisors and managers are encouraged to first explore whether paid options can be arranged which will help the employees cope with a domestic violence situation without having to take a formal unpaid leave of absence. Depending upon the circumstances, these options may include:
 - Arranging flexible work hours so that the employee can handle legal matters, court appearances, housing, child care in a manner that is consistent with the employee's safety plan.
 - Considering use of existing paid leave or authorized leave without pay especially if requests are for relatively short periods.
4. When responding to an employee's domestic violence situation, there may be rare situations where the employer would want to review documents, such as:
 - A Relief from Abuse Order, criminal charge paperwork or conviction record.
 - Other Court records such as divorce or Family Court proceedings;
 - Child custody paperwork;
 - Police reports;
 - Signed affidavits regarding the abuse;
 - State Agency records; or
 - Medical documentation.

To the extent possible, all documentation submitted shall be secure and confidential. Due to the emergency nature of some of these requests, the employee may in some circumstances not be able to provide such documentation.

C. Procedures for Employees with Performance Issues Related to Domestic Violence

1. Although _____ retains the right to discipline employees for cause, _____ recognizes that victims of domestic violence may have performance or conduct problems such as chronic absenteeism or inability to concentrate. When an employee who is subject to discipline confides that job performance or conduct problem

is caused by domestic violence, _____ will offer the employee a referral for appropriate assistance (e.g., the Employee Assistance Program or EAP at _____ and/or local domestic violence service programs at 1-800-228-7395 as part of the performance assessment.

2. The manager/supervisor, in collaboration with the employee and personnel and human resource departments, should allow a reasonable amount of time for the employee to obtain assistance for the domestic violence.

D. Disciplinary Procedures for Employees Who Commit Acts or Threats of Domestic Violence

1. _____ is committed to providing a workplace where domestic violence will not be tolerated. Any physical assault or threat made by an employee while on _____ premises, during working hours, or at a _____ sponsored social event is a serious violation of this policy and is potentially subject to criminal prosecution. This policy not only applies to acts against other employees, but to acts against all other persons, including intimate partners. Employees found to have violated this policy may be subject to corrective or disciplinary action up to and including discharge and subject to being reported to appropriate law enforcement and to criminal prosecution.
2. Employees convicted of a crime as a result of domestic violence may be subject to corrective or disciplinary action (such as transfer), up to and including discharge, when such action affects the work performance of the convicted employee or affects the normal operations of _____.

IV. GUIDELINES REGARDING ASSISTANCE FOR VICTIMS AND PERPETRATORS

A. General Guidelines

1. _____ seeks to create a supportive workplace environment in which employees feel comfortable discussing and seeking assistance for domestic violence concerns.
2. The following information is provided to help employees assist co-workers who are victims of domestic violence to obtain the services and to enhance the safety of _____ workplace.
3. Recognizing that services and support for victims of domestic violence are limited and that victims may face threats of further violence or death if they attempt to leave a violent person, managers/supervisors should seek to provide a non-judgmental and supportive environment for the employee. Managers/supervisors should respect the victim's need to be self-directing and maintain the strictest confidentiality.
4. A successful workplace intervention may consist of providing the employee with a non-judgmental place to discuss the violence and information to begin accessing resources in the community, or assisting the employee to formulate a safety plan for the work environment.
5. If a manager/supervisor believes an employee is being abused, and the employee has not disclosed this, the manager/supervisor should address any job performance issues

and provide the employee with information regarding the EAP and local domestic violence programs at and/or other community resources.

6. If an employee discloses that she or he is a victim of domestic violence, it is important to send the following messages so that you never blame the victim for the violent acts of the batterer:

- You do not deserve to be treated this way.
- You are not to blame.
- You are not alone
- There is help available.

7. It is important that all employees know how to best respond to the effects of domestic violence in the workplace. The following clarifies roles for all staff:

a. Managers/Supervisors:

- (1) Will be required to participate in basic domestic violence training provided by _____ in consultation with the Vermont Network Against Sexual Assault and Domestic Violence.
- (2) Should establish contact with local Domestic Violence and Batterers Intervention programs to provide training and informational materials, etc.
- (3) Should inform and update staff on a periodic basis about _____'s policy and procedures on encouraging work environments free from violence, threats and harassment.
- (4) Should post information about domestic violence in areas of high visibility. Some suggestions are: restrooms, lunchrooms, health or first aid offices, or where other employee information is available.
- (5) Should assist the employee to contact EAP, local domestic violence or batterers intervention programs.
- (6) Should be aware of physical or behavioral changes in the employees and consult with EAP and the local domestic violence program for advice. **The manager/supervisor's 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: absenteeism, inappropriate/excessive clothing, obsession with time, repeated physical injuries, chronic health problems (for example chronic pain), isolation, emotional distress, depression, distraction and excessive number of personal phone calls.
- (7) Must be respectful of employee's personal choices. If the manager/supervisor observes signs of violence, it is appropriate to convey concern and to educate the employee about available resources. It is critical that the manager/supervisor respect the employees' privacy and not pressure the employee to disclose any personal information.

- (8) Should work with the victim, the Personnel Department, human resources, EAP and/or the local domestic violence programs as necessary to assist the victim to develop a workplace safety plan and make reasonable accommodations according to that plan. When assisting an employee to develop a workplace safety plan, the manager/supervisor should ask what changes, if any, could be made at the workplace to make the employee feel safer. Victims of domestic violence know their abusers better than anyone else. When it comes to their safety, they must determine the most effective way to stay safe. Managers/supervisors can assist them in developing this safety plan. In addition, if it is determined that other employees or members of the public are at risk, it is essential to take measures to protect them.
- (9) Should respect the employee's boundaries and privacy, even if the employee/manager disagrees with the decisions about her/his relationship. A victim of domestic violence may need to make numerous attempts to leave the abuser before being able to do so. It is often difficult to leave because of factors like financial and childcare responsibilities, or threats of violence.
- (10) Shall maintain the confidentiality of domestic violence circumstances and any other referrals under this policy to the extent permitted by law; and inform other employees of the domestic violence circumstances on a need to know basis only. Whenever possible, the manager/supervisor should give advance notice to the employee who is experiencing domestic violence of the manager/supervisor needs to inform others about the domestic violence situation.
- (11) If necessary and when possible, should try to adjust the employee's work schedule and/or grant leave if the employee needs time off for medical assistance, legal assistance, court appearances, counseling, relocation, or to make other necessary arrangements to enhance her or his safety. This approved leave should not be held against the employee in evaluating job performance.
- (12) Should make sure that parking areas are well-lit and provide escorts (i.e., manager/supervisors, security or fellow employees) to parked cars, or provide priority parking space near the building entrance for employees who fear for their safety. The same parties should consider protective measures to reduce the possibility of harassment through the phone.
- (13) Maintain communications as best as possible with the employee during any absence and **preserve the confidentiality** of the employee's whereabouts. Managers should recognize that an employee may be residing at a safe house or shelter and may have difficulty maintaining communication.
- (14) If an employee requests, when feasible, should relocate an employee to an alternate worksite or transfer the abuser, if employed..
- (15) Cooperate with local law enforcement personnel regarding Relief from Abuse Orders.

- (16) Comply with all Relief from Abuse Orders if provided to you by victim. If both the plaintiff and defendant in an abuse proceeding are _____ employees, the manager/supervisor should work with the Personnel Department and/or human resources to consider relocating the defendant to a work location in which defendant will have no contact with plaintiff. If violations of an order are observed, the manager/supervisor should document these violations, notify the victim and call the police if appropriate.
- (17) After consultation with Department of Personnel, Human resources, and legal counsel, take any appropriate corrective or disciplinary action consistent with policy, procedure and/or collective bargaining agreements, up to and including termination, against any employee who commits acts of domestic violence at any _____ worksite, or who is convicted of a crime as a result of domestic violence when such action affects the work performance of the convicted employee, affects the safety of other employees or affects the normal operations of _____.
- (18) Some sources of potential information for managers and supervisors regarding pending criminal matters include the local Department of Probation or Parole and the District Court regarding pending matters, conditions of release or convictions.

b. Options for Employees Who are Victims of Domestic Violence

- (1) Call local police if you are in immediate danger.
- (2) Call your local domestic violence program: 1-800-ABUSE95 or 228-7395. They assist victims of domestic violence daily while maintaining anonymity and provide information confidentially.
- (3) Talk with a trusted colleague, manager/supervisor, or union representative about your situation.
- (4) Contact the nearest EAP office (_____).
- (5) Work with your manager/supervisor, the department of personnel, Human Resources, the EAP representative, the local domestic violence programs and/or others to develop a safety plan.
- (6) Notify your supervisor of the possible need to be away from work and discuss leave options. Be clear about when you plan to return to work and maintain communication with your supervisor during your absence. If necessary and available, make alternate arrangements for receiving your paycheck.
- (7) If you are concerned about your safety at work, submit a recent photograph of the abuser, a copy of any Relief from Abuse Order or other relevant court orders, and other identifying information for the abuser, such as car type and make, car color and license number to your supervisor and the police. This assists your employer in identifying the abuser if he or she appears in the workplace.

- (8) Obtain assistance for and documentation of the abuse (including old injuries) from your primary care provider.
- (9) Consider whether you need the services of the Secretary of State's Safe at Home Address Confidentiality Program, which provides victims of domestic violence, sexual assault and stalking a substitute mailing address so they can relocate to a safe place unknown to their abusers: safeathome@sec.state.vt.us or (802) 828-0586.
- (10) Consider whether you should apply for the Survivor Transitional Employment benefit Program at Vermont's Department of Labor at www.labor.vermont.gov or (802) 828-4000.

c. Options for Employees Who Are Perpetrators of Domestic Violence

- (1) Contact the EAP office (_____)
- (2) Contact a Batterer's Intervention Program.

d. Options For Other Employees Who Have Concerns About Domestic Violence

- (1) If you know or believe that a colleague is a victim of domestic violence, communicate your concerns for her/his safety to the colleague. Tell your colleague that you appreciate her/his confiding in you. Say that you are sorry it is happening and you can never say the following too often: "It is not your fault. You do not deserve to be treated this way." "You are not alone and I am glad you told me about what you are going through." "I am here for you and help is available in the workplace and at home." Your colleague needs support and validation not judgment. Leaving is only possible when she/he believes it is safe to do so.
- (2) Be clear that your role is to support and help, not to judge. It takes a long time to get over being victimized by someone you love. Tell your colleague that getting free is not easy, but help is available 24 hours a day, 365 days a year from local domestic programs at 1-800-ABUSE95 or 228-7395 or the EAP hotline at _____. Tell your colleague that they can speak to someone anonymously and confidentially at these numbers. Maintain confidentiality of domestic violence circumstances and do not reveal any other referrals under this policy. If the victim gives you permission, discuss the employee's situation with the EAP counselors, the Department of Personnel, human resources, or a local domestic violence program for further guidance.
- (3) Report any threats of violence you experience or witness to your manager/supervisor, site security personnel, the police, personnel, EAP, and/or human resources.
- (4) Educate yourself regarding domestic violence. Getting Free by Ginny NiCarthy is one of many good resource books available. Check you local library or the local domestic violence program regarding this book and other materials.

- (5) **Volunteer at a local domestic violence program or organize a workplace drive for financial support of domestic violence programs.**