



TEXAS YOUNG LAWYERS ASSOCIATION
PRESENTS

**DOMESTIC VIOLENCE
IN THE
WORKPLACE**

DOMESTIC VIOLENCE: REACHING THE EMPLOYEE/VICTIM

Why Address Domestic Violence Issues

An act of domestic violence occurs every 15 seconds. Still, it is uncommon to want to intervene in a domestic violence situation. Many employers feel domestic violence is not their problem, or they simply do not feel comfortable addressing a situation of such a personal nature. It is not easy. Listed below are some strategies for dealing with and approaching victims of domestic violence in the workforce.

Why should an employer intervene? Primarily, because it is the right thing to do. Economically, it is cheaper to save a current employee who has been valuable to the company than to recruit, test, and retrain a replacement. Legally, OSHA imposes a general duty on all employers to provide a safe work environment. An employer could incur additional workers' compensation expenses if the victim is injured while at the work place. Other areas of impact include increased sick leave, increased absenteeism, reduced productivity, and increased medical expenses.

The most positive advantage of working with an employee/victim is the long-term impact on the person as an employee. The employee/victim will be more productive and motivated to enhance the company's business. Doing the right thing is an investment that will have a positive impact for both the employee and the employer.

Signs of Domestic Abuse

1. Employee or co-workers' reports of the employee being injured by a domestic partner.
2. Employee shows feelings of fear and social withdrawal.
3. Bruises or physical complaints that show evidence of assault.
4. Intermittent crying and/or outbursts of anger while talking with a domestic partner on the telephone or in person at the workplace.
5. Pronounced disturbance of mood (e.g., frequent and prolonged periods of depression, irritability, anxiety, and apathetic withdrawal).
6. Increased absenteeism or reduced productivity.
7. Spouse or partner makes disruptive visits to the workplace.
8. Lack of concentration.

Goals of Domestic Abuse Counseling

1. Terminate verbal and physical abuse.
2. Help employee/victim obtain counseling to build self-esteem, assertiveness, and the confidence to end the abusive relationship.
3. Return employee/victim to healthy and safe environment both at home and at work.

Strategies for Working with Domestic Abuse Victims

Step 1: Talk to the Employee/Victim

1. Actively build trust with the employee/victim to get accurate information. Use active listening skills, positive reinforcement techniques, and non-threatening eye-contact.

Proactive Listening:

- *Show interest in what the employee/victim has to say.*
- *Ask questions.*
- *Show empathy.*
- *Respond verbally and non-verbally.*
- *Don't change the subject.*
- *Clarify what you hear.*

Good Eye Contact:

- *Look at the employee; Don't try to stare them down.*
- *Take breaks in eye contact if the person starts to feel uncomfortable.*
- *Use nods to encourage discussion.*
- *Don't invade the employee's space—lean forward slightly.*

Positive Reinforcement:

- *Plan for the future with the employee/victim.*
- *Highlight past accomplishments.*
- *Give specific feedback ... constructive and positive.*
- *Summarize your support for their success.*

2. Find a comfortable environment to meet with the employee/victim one-on-one.
3. Confront the employee about abuse to identify nature, frequency, and duration of abuse. (Expect initial denials of existence or seriousness of abuse.)

4. Coach the employee/victim to terminate self-blame for the abuse and place responsibility on the perpetrator.
5. Decrease employee's feelings of shame and guilt by affirming the perpetrator as being responsible for abuse.
6. Remind the employee/victim that abuse is illegal and criminal. Discuss various options with employee (legal, housing, counseling, financial assistance, etc.).
7. Educate the employee on any leave of absence or transfer policies.
8. Discuss the consequences of abuse with the employee/victim.

- *How it affects the employee/victim's work.*
- *How it affects his/her family life.*
- *How it threatens his/her safety, the safety of loved ones, and the safety of co-workers.*
- *Discuss the necessity for change and brainstorm ideas for change.*

Step 2: Provide Active Support to the Employee/Victim

1. Refer the employee to counseling (offer to help locate appropriate counseling and make the initial appointment). Use company and community resources to help him or her find support groups. Counseling services are offered through church groups, United Way agencies, and company support programs.
2. Help employee/victim make an appointment with a medical doctor if injuries exist. Use the employee's primary care physician or the provider directory for HMO or PPO to make a referral. Also look for referrals for emotional counseling.
3. Provide assistance in contacting a lawyer and obtaining a protective order, if necessary. Local community resources may include your local bar association, Legal Aid and/or volunteer lawyers. To pursue criminal charges, contact the local District/County Attorney.
4. Reassure the employee that he/she will be allowed time off to attend counseling or court appointments.
5. Help the employee/victim locate shelter or alternative living arrangements.

Step 3: Know Your Community, State, and National Resources

1. Encourage the employee to use available resources.
 - A. National Resources
 - YMCA/YWCA (Local Chapter)
 - National Organization for Victim Assistance: 1-800-TRY-NOVA
 - National Resource Center on Domestic Violence: 1-800-537-2238
 - Domestic Violence Hotline: 1-800-799-SAFE
 - Family Violence Legal Line: 1-800-374-HOPE

- B. Web sites
 - www.domesticviolence.org
 - <http://www.cyfemet.mes.umn.edu>
- C. Books and Reading Materials
 - a. The Courage to Heal (Bass & Davis)
 - b. Betrayal of Innocence (Foward & Buck)
 - c. Outgrowing the Pain (Gil)
 - d. Trauma and Recovery: The Aftermath of Violence—from Domestic Abuse to Political Terror (Judith Herman, M.D.)
- D. Local Resources.

2. Make a plan with the employee/victim:

- *What resources will he/she contact first?*
- *What kind of assistance or support is needed?*
- *What kind of continuing education would he/she like to receive?*
- *What types of on-site training are available?*

3. Follow up with the employee to see what progress is being made.

DOMESTIC VIOLENCE: REACHING AN ABUSIVE EMPLOYEE

Why Address Domestic Violence Issues

The first section addresses why an employer should attempt to reach victims of domestic abuse. Reaching perpetrators of abuse is equally important.

The main legal issue is the impact of the abusive employee on other employees. If an employee exhibits violent tendencies in the workplace, the employer may be liable for personal injury or workers' compensation claims caused by the employee. OSHA also places a general responsibility on employers to provide a safe working environment. Allowing an abusive employee to continue to exhibit abusive behavior could be a breach of that duty. Negative or aggressive behavior also impacts the morale and productivity of other employees.

Addressing domestic and workplace violence issues is relatively inexpensive and a positive way to promote employee morale, reduce turnover, and address production issues in your workplace.

Signs Someone is Engaging in Domestic Abuse

1. Employee expresses attitude of domination and aggression toward domestic partner or co-worker, or threatens or discusses threats to partner or children with other co-workers.
2. Outbursts of anger while talking with a domestic partner or co-worker on the telephone or in person at the workplace.
3. Spouse, partner, or co-worker of employee appears to be afraid of employee and becomes submissive in the abusive employee's presence.
4. Employee has been accused of or charged with abusing partner, child, or other household member.

Goals of Domestic Abuse Counseling

1. Terminate verbal and physical abuse.
2. Help employee/perpetrator obtain counseling to end abusive behavior.
3. Convince employee/perpetrator that serious consequences will ensue if abusive behavior does not stop.

Coaching Strategies

Step 1: Talk to the Employee/Perpetrator

1. Identify specific behaviors that indicate a tendency toward abusive behavior (include the nature, frequency, and duration of the behavior). Expect initial denials of existence or seriousness of abuse. Use good coaching and probing techniques:

Proactive Listening:

- *Show interest in what the speaker has to say.*
- *Ask questions.*
- *Show empathy.*
- *Respond verbally and non-verbally. Don't change the subject.*
- *Clarify what you hear.*

Constructive Feedback:

- *Identify specific behavior you want to correct or coach.*
- *Describe the effect of the behavior on other people or the spouse.*
- *Make a commitment to work with the employee to resolve the issues.*
- *Agree on a plan of action. Conclude with a commitment to success.*

Good Eye Contact:

- *Look at the person; Don't try to stare them down.*
- *Take breaks in eye contact if the person starts to feel uncomfortable.*
- *Use nods to encourage discussion.*
- *Don't invade the speaker's space—lean forward slightly.*

2. Find a comfortable environment to meet with the employee/perpetrator one-on-one.
3. Encourage the employee/perpetrator to be accountable for behavior by not allowing him/her to make excuses or blame the victim or others for abuse. Place responsibility on the employee as abuser.
4. Make the employee/perpetrator aware of possible consequences of the abuse (e.g., effect on productivity, professional relationships, and criminal charges, if applicable).

5. Express zero-tolerance policy of abusive behavior.
6. Coach the employee/perpetrator that violence is a learned behavior, and that it can be unlearned with the professional assistance of a counselor.
7. Convince the employee that domestic violence affects the employee's life both at work and at home. It impermissibly threatens the safety of others and requires change. Discuss:

- *How it affects the employee/perpetrator's work.*
- *How it affects his/her family life.*
- *How it threatens the safety of loved ones and the safety of co-workers.*
- *Discuss the necessity for change and brainstorm ideas for change.*

8. Reassure the employee/perpetrator of your commitment to his or her rehabilitation.

Step 2: Provide Active Support to Employee/Perpetrator

1. Refer the employee to counseling (offer to help locate appropriate counseling and make the initial appointment). Use company and community resources to help him/her find support groups. Counseling services are offered through church groups, United Way agencies, and company support programs.
2. Reassure the employee/perpetrator that he/she will be allowed time off to attend counseling appointments. Additional counseling may be available under an insurance plan if issues arise related to drug or alcohol abuse. Encourage the employee to use available resources for counseling, support, or education.
3. Inform the employee/perpetrator that continued abusive behavior will not be tolerated. Explain to the employee/perpetrator that his/her position may be terminated if additional charges are brought against him/her for domestic violence or violation of a spouse's or partner's protective order.
4. Make a plan with the employee/perpetrator.

- *What resources will he/she contact first?*
- *What kind of assistance or support is needed?*
- *What kind of continuing education would he/she like to receive?*
- *What types of on-site training are available?*

5. Follow up with the employee/perpetrator to see what progress is being made.

Support Resources

Resources for Living
1-800-828-3555

Women's Protective Services

Local Domestic Violence Shelter

Rape Crisis Center

Family Counseling Services

Catholic Family Services

Adult Learning Center

United Way—Help Line Packet

Council on Alcohol & Substance Abuse

Local Legal Aid

National Resource Center On Domestic Violence
1-800-537-2238

YMCA/YWCA

www.domesticviolence.org



For Further Information on the
Domestic Violence in the Workplace Please Contact:

TEXAS YOUNG LAWYERS ASSOCIATION

1414 Colorado, Suite 501
Austin, Texas 78701-1627
(800) 204-2222 - x6429