



Handling Domestic Violence in the Workplace: Guidelines for Human Resources and Supervisors

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Overview

The Diocese has the following plan for addressing domestic violence in the workplace:

- Maintain a multi-disciplinary Domestic Violence Response Team (DVRT) that will review each case. A case is defined as a domestic violence situation that currently affects or has the potential to affect workplace security and performance.
 - A designated member of the DVRT will be notified by the Human Resources employee who first speaks with the victim or their supervisor.
 - The DVRT will include individuals from the following departments: Human Resources, Legal, Office of Child and Youth Protection/Victim Assistance, Office of Family Life, Office of Respect Life and the clergy. Local law enforcement and domestic violence advocates may be consulted as needed.
- Standardize Diocesan protocols.
 - Train all Human Resources, Legal and supervisory employees on domestic violence and the Diocese's domestic violence policies and guidelines.
 - Train receptionists, often the first line of defense in domestic violence workplace situations, on appropriate responses to an abuser showing up at the workplace.
 - Train Agency, school, parish supervisory personnel (Executive Directors, Supervisors, Pastors, Principals, Guidance Counselors) to recognize the signs in our various entities and to help ensure that supervisors and employees know how to respond properly when issues arise.
- Publicize policies and resources to reach employee and volunteer population
 - Speak at group meetings
 - Hang posters
 - Use intranet, email, etc.
- Conduct supervisory and employee awareness training on the Recognize, Respond, and Refer model for domestic violence in the workplace.

Discretion

Every domestic violence situation is unique. What is appropriate in one situation may be harmful in another. Therefore, Human Resources and the DVRT must evaluate each situation individually and use their discretion and judgment to determine the most effective response. These guidelines and any policy should not be interpreted as prohibiting Human Resources and the DVRT from making necessary decisions that will prevent violence or threats from occurring or developing.

Legal Considerations

When an employee is experiencing domestic violence, many laws and other Diocesan policies may come into play: worker's compensation, Family Medical Leave Act (FMLA), Americans with Disability Act (ADA), sexual harassment, discrimination, unemployment insurance, short/long term disability, benefits, and short/long term leave. The above list does not represent all of the applicable laws and policies but is a sample of possible ones. When an employee has self-disclosed about an abusive relationship or a domestic violence incident has occurred at the workplace, all possible legal implications with the DVRT must be investigated.

Role of Human Resources and the DVRT

Human Resources and the DVRT should avoid taking the role of a counselor when talking with or providing resources to an employee experiencing domestic violence. Rather, they should provide support, workplace resources, and referrals. In addition, they should focus on security and safety for both the victim and entire workplace.

Guidelines for Employees who are Victims of Domestic Violence

General Considerations

Keep in mind that most victims have been warned against talking to others about the abuse and fear retaliation from the abuser if she/he does tell someone. The victim may also fear she/he will be fired or disciplined if the workplace finds out about the abuse.

If You Suspect an Employee is a Victim

Possible signs that an employee may be a victim of domestic violence include the following: obvious injuries, such as, bruises, black eyes, broken bones, and/or hearing loss; increase in absences or tardiness; poor concentration and/or inconsistent work; high anxiety and/or fearfulness; and receiving unusual number of calls, faxes or emails from partner.

If you suspect an employee is a victim but she/he has not self-disclosed, carefully probe the situation without trying to force disclosure. These are difficult and delicate conversations and they require extreme sensitivity. The following are suggested ways to raise the issue of abuse without intruding into her/his personal life:

- Meet with the employee in private.
- Let the employee know what you or concerned co-workers have observed. For example, "I noticed the bruises you had last week and you look upset and worried today."
- Express concern that the employee might be abused. For example, "I thought it was possible that you are being hurt by someone and I am concerned about you."

- Make a strong statement of support. For example, “No one deserves to be hit by someone else.”

If the employee does not want to talk about the abuse, you cannot force them to do so. If appropriate, let the employee know about resources and referrals. However, if there is a direct threat to the safety of any employee or a workplace violence incident, you must take appropriate action, including but not limited to contacting the DVRT or calling 911.

If the employee is experiencing performance issues, these need to be addressed regardless of disclosure.

If an Employee Self-discloses she/he is a Domestic Violence Victim

Start by reassuring the victim that no one deserves to be abused and that she/he is not alone. Help is available. Be sensitive and nonjudgmental. Do not try to diagnose the victim or tell her/him what to do. Some appropriate comments that may be helpful to the victim are the following:

- “I am concerned for your safety”
- “There is no excuse for abuse”
- “You are not responsible for the abuse”
- “No one deserves to be abused”
- “There is help available”
- “You are not alone”

Some inappropriate comments that may upset the victim are the following:

- “You should leave the abusive relationship”
- “Why haven’t you left”
- “Why have you stayed in the relationship”
- “What did you do to cause the abuse”
- “I know how you feel”

Review with the employee possible actions the Diocese may take if appropriate, available and/or permissible. Remember to ask the victim what they need to feel safe. Do not make decisions for the victim. The following is a list of possible actions:

- Referrals to the Employee Assistance Program and/or local domestic violence organizations
- Allowing time off so that employees can seek safety and protection, attend court appearances, arrange for new housing or take care of such matters.
- Arranging for flexible hours and short-term leaves of absence with the guarantee in most cases of a position upon return.
- Assigning special parking spots and providing people escorts to and from their cars or other points of transportation.
- Screening telephone calls, changing phone extensions, hours of work or workspace location.
- Working with local law enforcement to enforce restraining orders on Diocesan property.

- Documenting incidents of abuse/harassment in the workplace for use in court either now or in the future.
- Changing benefits to employee's name or naming new beneficiaries.
- Implementing a workplace safety plan.

Whenever an employee self-discloses contact the lead DVRT employee, who will assign a member of the DVRT to perform a Threat Assessment. Advise the victim that this step is necessary to ensure their safety and the safety of others in the workplace. Give a description of the Threat Assessment so the victim will know what to expect. See Attachment 1 to view the Threat Assessment questionnaire. Ask the victim if she/he would like you to be present during the Threat Assessment.

The DVRT will assign a case manager to each incident. Follow-up is mandatory at appropriate agreed upon intervals until the DVRT determines it is no longer necessary. During each follow-up conversation, the case manager will assess whether the situation is escalating or additional actions need to be taken. Even in cases that do not seem dangerous at first can become deadly. Violence often escalates and becomes lethal when a victim leaves the abusive relationship or exerts more independence.

Advise the victim that confidentiality will be kept to the fullest extent possible. Only information necessary for her/his safety and the safety of others will be shared on a need to know basis.

Addressing Victim's Performance Problems

Regardless of whether the employee discloses abuse or not, you need to address any performance issues that exist. If you feel they are related to domestic violence, use the following outline:

- Find a private space to talk
- Clearly identify the performance problems
- Express empathy that sometimes "personal issues" can interfere with performance
- If the signs of abuse are clear, gently urge the employee to share what may be upsetting her/him
- Offer a referral to the Employee Assistance Program
- Suggest ways to improve performance
- Discuss the review process and the consequences

Document all performance problems as you would with any other employee but be careful not to disclose details of the domestic violence situation if it was disclosed. You may make a note in the performance documentation that "factors outside the workplace are potentially affecting the employee's performance." See Attachment 2 for more guidance on discussing off the job issues with employees.

If the employee discloses during this conversation, follow the guidelines described above.

Guidelines for Employees who are Abusers

General Considerations

When communicating with an abuser, be careful not to reinforce his/her abusive behavior by agreeing with statements that suggest the victim is at fault, joking about domestic violence, or blaming the victim for the abuse. Also, do not help the abuser maintain contact with the victim by providing access information, if known.

If You Suspect an Employee is an Abuser

Possible signs that an employee may be an abuser include the following: displays inappropriate anger or resentment toward the victim; blames others – especially victim; shares convincing stories about his/her “difficult” partner; show defensive injuries, such as, scratch or bite marks; and makes unusual number of calls, email, or faxes to partner.

If you suspect an employee is an abuser but he/she has not self-disclosed, carefully probe the situation without trying to force disclosure. Just as with victims, these are difficult and delicate conversations. If applicable, the following are suggested ways to raise the issue of abuse:

- Meet with the employee in private.
- Let the employee know what you or concerned co-workers have observed. For example, “I have noticed that you have been making a lot of phone calls lately and look very upset after them.”
- Express concern over inappropriate comments about spouse or domestic violence in general. For example, “It makes me uncomfortable when you constantly insult your spouse,” or “I don’t think joking about domestic violence is funny.”
- Make a strong statement against domestic violence. For example, “No one deserves to be hit by someone else.”

If the employee does not want to talk about the abuse, you cannot force him/her to do so. If appropriate, let the employee know about resources and referrals. However, if there is a direct threat to the safety of any employee or a workplace violence incident, you must take appropriate action, including but not limited to contacting the DVRT.

If the employee is experiencing performance issues, these need to be addressed.

If an Abuser Self-discloses

Start by reassuring the abuser that help is available through the Employee Assistance Program and/or community agencies. Be sensitive and nonjudgmental. Do not try to diagnose the abuser or tell him/her what actions to take.

Whenever an abuser self-discloses, contact the lead DVRT employee and inform him/her of the situation. The DVRT will look at a number of factors to determine an appropriate course of action, such as but not limited to, history of violence, use of workplace resources to perpetrate domestic violence, convictions, recipient of restraining/protective order, and impact on employment. The DVRT will make the final determination as to appropriate actions.

Advise the abuser that confidentiality will be kept to the fullest extent possible. Only information necessary for the safety of the workplace will be shared on a need to know basis.

Addressing Abuser's Performance Problems

Address and document all performance problems as you would with any other employee. When documenting, be careful not to disclose details of the domestic violence situation if known. You may make a note in the performance documentation that "factors outside the workplace are potentially affecting the employee's performance."

Follow the guidelines described in Attachment 2.

Documentation

Human Resources or supervisors will document performance problems only. The DVRT will produce and maintain all documents relating to domestic violence situations at the Diocese. All such documents will be housed by Diocesan Human Resources in a central file.

Attachment 1 – Threat Assessment

A risk assessment of the abuser’s potential danger/threat is essential to determine the overall safety of the employee and workplace. In order to perform a risk assessment, a member of the DVRT will have to ask the employee many difficult questions. All of these questions should directly relate to assessing workplace risk. The following assessment questionnaire is not intended to be exhaustive, but rather represents good indicators of potential danger/threat and risk to the workplace. When asking these questions, find out how the employee would like you to refer to the abuser (i.e. by his/her first name).

1. What is the name, address and telephone number(s) of the abuser?
2. What is his/her relationship to you?
3. Can you provide us with a description and current photo of the abuser and his/her automobile?
4. Do you feel safe?
5. Do you think you or others are in danger here? Are you afraid for your life or others?
(The victim knows best what the abuser is capable of)
6. Does the batterer know where and when you work?
 - a. Has he/she visited the workplace in the past? Under what circumstances?
 - b. Has the batterer ever sent threatening or harassing e-mail messages, telephone calls, faxes or mail to your workplace? Have you saved these messages? What did these threats say?
 - c. Has the batterer ever come to your workplace to threaten, harass, or injure you? What happened once he arrived at the workplace? Including prior workplaces.
 - d. Has the batterer ever threatened to come to your workplace to harm you or others? What kinds of threats were made?
7. Are your co-workers aware of the situation?
 - a. If so, who are they and what information has been given to them?
8. Has the batterer ever threatened or physically harmed you?
 - a. What was the specific language of the threat?
 - b. How often and under what circumstances have threats been made?
 - c. What type of injuries did you receive? How often etc.?
 - d. Were you ever hospitalized for these injuries?
 - e. Were weapons involved (guns, knife, bat etc.)?
 - f. Were the police ever involved?
9. Has the batterer ever made homicidal or suicidal threats to you or another person?
10. Has the batterer ever stalked you or anybody else?

11. Does the batterer have a history of violence?
 - a. If so, please explain each situation.
12. Does the batterer possess any type of firearms or weapons?
 - a. If so, are they registered?
 - b. Please describe the type (*Handgun, shotgun, assault rifle, knives etc*)
13. Has there been any police involvement? If so, what is the current status?
 - a. Would you mind if we contacted the police?
 - b. Does he have a criminal record?
14. Has an order of protection been issued?
 - a. If so, can you please provide us with a copy?
 - b. If not, are you planning to file one?
15. Is this the first report you are filing or have there been others?
16. Are you planning to leave the relationship?
 - a. If so, do you have a safety plan in place?
 - b. How do you think he will react?
 - c. Do you need additional safety measures during this time?

Attachment 2 - Discussing Off the Job Performance Issues

It is important to remember that employees' home lives can affect their performance at work. Issues like physical or mental illness (either the employee or a family member), domestic violence, financial troubles, substance abuse (either the employee or a family member), or child/elder-care troubles can significantly impact the workplace.

If an otherwise valuable member of your team has inexplicably become less productive, it could be that something else is causing the problem. Signs to note include:

- Increase in absences or tardiness
- Poor concentration and errors, slow and/or inconsistent work
- High anxiety and/or fearfulness
- Requests for special accommodations, such as to leave early
- Unusually quiet or isolated from others
- Emotional distress or flatness, tearfulness or depression
- Sensitivity about home life or hints of trouble at home

If you suspect this is the case, but he/she has not self-disclosed, you may carefully probe the situation without trying to force disclosure. However, you must be careful to keep the focus of discussion on how behavior or performance is affecting work, to avoid the appearance of interfering in an employee's private life. This means saying something like:

"I've noticed a change in your work in the past few months. You are not as productive, you are frequently late for work, often leave early, and have missed a few meetings. I am concerned about you, and about your work performance – is there anything I can do to help you improve or get back on track?"

These are difficult and delicate conversations and they require extreme sensitivity. Following are suggested ways to raise the issue without intruding into an employee's personal life:

- Find a private space to talk
- Clearly identify the performance problems
- Express empathy that sometimes "personal issues" can interfere with performance
- If the signs are clear, gently urge the employee to share what may be upsetting her/him
- Offer a referral to the Employee Assistance Program
- Suggest ways to improve performance
- Discuss the review process and the consequences

If the employee does not disclose anything about home, then you must respect his/her privacy, but do remind the employee of resources available through the Diocese if assistance is ever needed. These resources may include work/life initiatives, human resources or our Employee Assistance Program (1.888.293.6948 or www.horizoneap.com Website Login ID: standard; password: eap4u). If an employee does disclose a problem

during the conversation, please contact Dennis Butler at 973.252.0753 for guidance and next steps.

As a manager, it is your responsibility to work with the employee on a performance improvement plan. If the employee is experiencing performance issues, these need to be addressed regardless of disclosure. Document all performance problems as you would with any other employee. However, you may make a note in the performance documentation that "factors outside the workplace are potentially affecting the employee's performance."