TEN THINGS AN HR DIRECTOR NEEDS TO KNOW ABOUT DOMESTIC VIOLENCE AND STALKING IN THE WORKPLACE

Historically, executives of human resources (HR) and security executives were largely unprepared for violent or harassing behavior in the workplace, and exhibited reluctance to being proactive in creating and implementing policies and procedures dedicated to preventing such behavior. The usual HR mentality was just to “wait” and hope for the best. However, notwithstanding their lack of concrete actions, HR executives were often aware of the potential for episodes of violence or harassment in their workplaces, including domestic violence. Credence for this belief can be ascertained in reviewing the National Safe Workplace Institute survey that cites 78% of H.R. professionals who consider domestic violence a workplace issue while 94% of corporate security directors rank partner violence as a high security concern.¹

In the past year, another survey of EAP providers found that a large majority of them dealt with specific partner abuse situations, including employees with restraining orders (83%) or employees being stalked at work by a current or former partner (71%).¹ Currently, we know from gleaning the data that there is not time to wait. We must intervene before the violence escalates.

Thankfully, times have changed and HR directors have altered their reactions to addressing domestic violence cases. Many HR directors have created and enforced no-tolerance policies against domestic violence in the workplace and have created confidential channels of communications for employees affected by domestic violence. These HR directors understand the danger and the damage domestic violence has caused in the workplace. Unfortunately, there still exists a significant number of HR directors in Corporate America who have remained on the sidelines even though we know the victims of these crimes are someone’s employee. As a result the following questions surface: What has that company done to address that employee’s needs? What has it done to address domestic violence in the workplace? After all, domestic violence does not stay home when its victims go to work. It follows them, resulting in violence where they work. With one out of every three American

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women reporting physical abuse by an intimate partner, it seems certain that any mid-to-large-sized company has employees struggling with domestic violence.

Domestic violence spills into the workplace when workers are harassed by threatening phone calls, absent because of injuries, or less productive because of stress. By ignoring these signs companies often face much more serious consequences, given that three women a week are victims of workplace homicide.

This article is crafted to inform you about the consequences of domestic violence in the workplace. Specifically, how to manage it; how to assess danger; and how to avoid violent situations seeping into your workplace. Additionally, the policies that you develop to confront domestic violence in the workplace will save money and lives.

1. **COSTS**

Corporate America loses $5 billion annually in lost productivity and absenteeism while realizing increased healthcare and security costs due to domestic violence erupting in the workplace. On-site security directors cite domestic violence as their number one concern. Courts and lawmakers have begun to hold employers increasingly accountable for workplace violence.

Of those victims who are employed, 96% report having some problem in the workplace as a direct result of their abuse or abuser. Incidents of domestic violence on company property are reported by 71% of human resources and security personnel surveyed. However, 92% of those who are physically abused by their partners do not discuss the incidents with their physicians, and 57% do not discuss the incidents with anyone. These victims may be your friends, neighbors, co-workers, employees or family members.

Domestic violence is estimated to cost the nation billions of dollars in lost productivity, increased healthcare costs, absenteeism, and workplace violence. Consider the following statistics about employed battered women:

- 74% of the abuser will be at work, either in person or over the telephone;
- 56% of the victims will be late for work at least five times a month;
- 28% of the victims leave early at least five days a month; and
- 54% of the victims miss at least three full days of work a month.

These statistics demonstrate just some of the hidden costs due to domestic violence: employee tardiness, absenteeism, and decreased ability to concentrate causing lost productivity to an employer. Other costs include lower employee moral, higher turnover, and higher risk for liability.
2. **EFFECTS ON CHILDREN**

   Being raised in a home with domestic violence can have lifelong consequences. Approximately 3.3 million children witness their parents interpersonal violence each year.\(^6\) Reports by battered mothers show that 87% of their children witnessed the abuse.\(^7\) Children exposed to domestic abuse often have behavior problems. They often have difficulty concentrating in school, and often engage in rebellious behavior. Mothers who are victims of abuse will often have to field calls at work from their child’s school about these problems. These mothers will often need time off from work to go to counseling sessions with the child. This obviously increases the stress for mom and for the child.

3. **ESTABLISH A POLICY AGAINST DOMESTIC VIOLENCE**

   We know that with one out of three women experiencing domestic violence in her life, any mid to large size company is certain to have employees dealing with this every day. What can employers do? They can start by creating a policy that addresses this topic. A policy sends a strong message from the employer. It defines domestic violence, addresses how an employee who is a victim can get assistance, and how that particular workplace has taken steps to ensure a safe working environment. It also clearly defines the roles of the Director of Security, Human Resources and Supervisors in addressing the spillover of domestic violence in the workplace. The policy can be distributed to all employees via the employee handbook, brochures, a company produced video, and company wide training.

4. **CREATE MANAGEMENT AWARENESS**

   From the top of the organization on down, a message to the managers/supervisors must be conveyed that domestic violence is an important business issue that cannot be ignored. This issue needs to be raised at every level of the organization. The most effective method of conveying the importance of this issue within the organization is to provide training to front line employees, supervisors and security personnel.

5. **KNOW THE WARNING SIGNS OF DOMESTIC VIOLENCE**

   If someone appeared at work under the influence of alcohol, a Supervisor would generally refer them to HR or the EAP program. However, when someone appears at work with a bruised eye, fewer managers take the person aside and ask how they can help. Unfortunately, despite the fact that domestic violence is so widespread, and in the news on a regular basis, Supervisors often look the other way or assume that it is a “private” matter. We know too well, that if these situations are neglected, not only can it be lethal for the victim, but for co-workers as well.
Some of the warning signs include:

- Unexplained bruises or explanations incongruent with injuries
- Signs of distraction or difficult concentrating
- High absenteeism rate
- Repeated upsetting phone calls
- Signs of anxiety or depression
- Fluctuations in the quality of work for no apparent reason
- Noticeable changes in the use of makeup
- Inappropriate clothes
- Disruptive visits from current/former partners
- Frequent/unexplained use of leave time
- Discomfort when communicating with others
- Sudden/unexplained requests to be moved from public locations
- Frequent financial problems
- Requests for time off to attend court
- Reluctance to field calls from former partners
- Sudden changes of address or reluctance to divulge where she is staying
- Reluctance to participate in informal activities outside of work

6. **INQUIRE INTO THE SITUATION**

Responding to the situation can be uncomfortable for all parties. Some suggested approaches when opening the topic include: “Is it possible that your partner is mentally or physically abusing you?” The employee may seem confused, or tell you that they “don’t know”. Domestic violence is about using power and control.

Continue to address these methods in your questioning.

- Does your partner try to isolate you from your friends and family?
- Does your partner prefer you to spend all your time together or at home?
- Does your partner say things to criticize you?
- Does your partner say things to make you feel bad?
- Does your partner humiliate you in public?
- Does your partner play mind games with you to make you think you are losing your mind?
- Does your partner use your children as blackmail or threaten to take the children away?

7. **TALK ABOUT THE ABUSE**

Although difficult, the best method is to address the situation as soon as possible. If you see an employee with an unusual bruise on their face, or body, let them know what you have
observed. Say something like, “I’ve noticed the bruises you had last week and you look upset and worried today.” Let them know that you think someone is abusing them. You may want to say, “I thought it was possible that you are being hurt by someone and I am concerned about you.” You also may want to make a statement of support by saying “No one deserves to be hit by someone else.”

8. ASSESS THE SITUATION

Domestic violence cases are complicated. Often times these cases look innocuous, especially where there is no physical evidence or additional witnesses to corroborate the case. For example, there are cases where the batterer is charged with phone harassment, or violating a protective order by showing up at the victim’s house, it may not be apparent that this case may soon become a homicide. In these cases, we are searching for ways to gain insight on how far along the offender is on his path to acting out in a violent manner against the victim.

When a serious incident of workplace violence occurs, many people tend to say that the individual just “snapped”. It is well recognized among threat assessment professionals that people don’t just “snap”, and that there are pre-incident indicators that suggest the potential for violence. The goal for the Director of Security, or anyone conducting the assessment, is to identify the potential problem early enough to prevent or defuse the situation. Non-expert managers and co-workers can and should be willing to start the process of assessment, and then refer the situation to the experts when appropriate.

The following is a list of a few red flags that should be incorporated into an assessment. For a more comprehensive list of red flags or lethality indicators in domestic violence and stalking cases, please see, “Workplace Violence Prevention: A Practical Guide,” book chapter, “Domestic Violence in the Workplace”, STP Specialty Publishers, Published, Fall, 2002, or “Domestic Violence Policies and Procedures” Deskbook for Prosecutors, January 2001.

**Status of Relationship:** One of the most critical pieces of information is whether or not the victim is still in the abusive relationship, or whether she has terminated the relationship. It is well known that in most domestic violence homicides the victim had recently communicated to the perpetrator that the relationship was at an end, or had left the relationship. If the answer is “yes”, then it is imperative to construct safety plans for the victim at home and at work. During this time, stalking behavior is quite common. The offender no longer knows where she lives, but knows where she works. Thus, it is common to see phone harassment, violations of protective orders, appearing at victim’s workplace during that stalking stage. This is the most dangerous time for the victim and, potentially, her co-workers.
**Abuser’s Reaction:** How has the abuser reacted to the termination of the relationship? Did he try to prevent her from leaving? Rip out the phone? Follow her to a friend’s house? Become obsessed with finding her? Violence is most likely to escalate during this time.

**Orders of Protection:** How has the offender reacted to being served with an order? If he violated it, it can be inferred that he has no regard for the criminal justice system, and that it will not act as a deterrent to him. You should put safeguards for the victim in place before he is served with the order, especially if the offender has exhibited volatile behavior in the past when served.

**Suicide:** It is not enough to inquire whether the defendant has ever attempted suicide. Prosecutors should inquire as to the specificity of the plan and whether or not the offender has also conveyed a desire to kill the victim or children. The more concrete the details and specificity of the plan, the higher the risk to the victim.

**Guns:** The recent acquisition of a gun is often a more ominous indicator of violence than a long-term possession of a firearm.

**Substance Abuse:** Many domestic violence offenders have problems with alcohol or drugs. It is important to determine if the offender has recently increased his usage.

**Fear:** One can speculate about how lethal the situation may be, but only the victim holds the true answer to this question. If the victim has ever visited a shelter before, it will be a good indication of real fear, because hiding from the offender is an excellent indication of real danger.

**Location of Violence:** If the violence was conducted in a public place, it is likely that it will be repeated. This is because the offender is confident enough (or desperate enough) to move the exercise of his power and control from the home (a private domain) to a public domain, despite the risk of escalating the jeopardy to himself. This is where you will see surveillance/stalking type behavior. Even if there is not enough to charge the offender with stalking, it is noteworthy to learn if the offender has followed the victim or acted in any other persistent manner.

**Strangulation:** The ultimate in symbolic violence is removing the victim’s voice. Often, this is the last step before homicide.

Incorporating these red flags into the assessment of a case will enable the investigator to make more informed decisions. It will also be helpful in making the appropriate referrals and community links for victims.
9. **SAFETY AT HOME**

Victims should be encouraged to develop a safety plan and discuss it with their children. The plan should be reviewed as often as possible. The plan may include:

- Changing the locks and installing devices to secure the windows
- Making sure the children’s school, day-care center, or camp knows who is authorized to pick up the children.
- Telling neighbors and landlords that your abuser no longer lives there and ask them to call the police if they see him or her near your home.

10. **SAFETY AT WORK**

If the victim has an order of protection, they should be encouraged to keep it with them at all times. Copies should be given to their employer, school officials, and local police. Building Security and the receptionist at their workplace should be given a copy of it as well as a photograph of the abuser. Obviously, this is why it is critical for companies to have policies in place that encourage victims to come forward and share this information. Victims should vary their routes to and from work and arrange for someone to escort them to their car, bus or train during difficult times.

Some states have passed laws allowing for domestic violence victims to take time off of work without any penalty from their employer. For instance, Illinois enacted the Victims’ Economic Safety and Security Act\(^9\) or VESSA, which allows eligible employees to take unpaid leave from employment to address domestic violence, dating violence, sexual assault, or stalking (for medical attention, victim services, counseling, safety planning, or legal assistance or other specified purposes)\(^10\). It allows employers to require certification of the need for such leave. HR Directors should check to see if their state has enacted a similar law. HR directors should also be aware of other legal ramifications of domestic violence in the workplace. Workplace violence may create causes of action under negligence theories, OSHA fines, sexual harassment theories, workers compensation statutes, as well as the Family and Medical Leave Act and the American with Disabilities Act.

All employers can be vulnerable to the spillover of domestic violence in their workplace. That is why it is critical for businesses to get involved in creating internal programs to address domestic violence. Employers do have the power to save money and save lives.

*IT IS YOUR BUSINESS!*
1 Harvard University School of Public Health, 1997:30


8 This list of questions has been prepared from materials compiled by the Family Violence Prevention Fund: see www.endabuse.org.

9 Illinois Public Act 93-0591

10 Eligible employees are those who work for an employer with 50 or more employees and who are victims of domestic or sexual violence or are employees who have a family or household member (e.g., spouse, parent, child, and persons jointly residing in the same household) who is a victim of domestic or sexual violence. Employees may take up to 12 weeks of unpaid leave during any 12-month period. This 12-week leave is not in addition to the unpaid leave permitted by the federal Family and Medical Leave Act. The leave may be taken intermittently or on a reduced work schedule. Employees may use paid leave such as vacation time in lieu of unpaid leave.