

Workplace Training Program

The information found on the following pages was developed by the Blue Shield Against Violence workplace training program. From 1996 through 2008, this program helped California employers make practical and effective responses to domestic violence.

The workplace training program built a critical mass of support for addressing DV in the workplace, attracting nationwide corporate engagement on this issue. Where the Foundation was once the primary player, a host of other groups have now assumed leadership -- a testament to the importance of the issue and the success of our collective efforts.

We are proud of our accomplishments and honored to have worked with our collaborative partners including [Family Violence Prevention Fund](#), [Corporate Alliance to End Partner Violence](#), [Macy's](#), and others in this important area.

Content for this document was provided by Blue Shield of California Foundation, Family Violence Prevention Fund and the Corporate Alliance to End Partner Violence. Dr. Carol Ann Peterson of the Peterson Professional Alliance provided additional content.

Understanding Domestic Violence

As a manager or coworker, you need to recognize domestic violence when you see it and refer the victim to the appropriate resource. Even though you are not an expert in domestic violence, you can still provide assistance.

Defining Domestic Violence

Domestic violence is a pattern of coercive behavior in which one person attempts to control another person through threats or actual use of physical, emotional, sexual, financial and spiritual abuse.

Domestic violence can include:

- **Physical violence:** Hitting, choking or pushing
- **Emotional abuse:** Name calling and threats
- **Financial abuse:** Preventing access to bank accounts, credit cards or other financial resources
- **Sexual abuse:** Any forced sexual activity
- **Spiritual abuse:** Keeping someone from going to a place of worship or using scriptures to justify abuse.

Warning Signs

Watch for these warning signs if you suspect someone at work may be abused.

Physical Signs

- Bruises or injuries attributed to falls, clumsiness or accidents
- Clothing that is inappropriate for the season, such as long sleeves, turtlenecks, scarves, hats and sunglasses
- Unusually heavy makeup

Job Performance

- Many absences and missed appointments
- Frequently late to work and leaves early
- Unusually high number of personal emails
- Changes in job performance including difficulty remembering instructions and making repeated errors
- Unusual number of phone calls from family members combined with a strong reaction to these calls
- Insensitive or insulting phone messages

Emotional Signs

- Acts frightened and anxious, lacks concentration, cries
- Uncharacteristically quiet, withdrawn and depressed
- Sensitive about home life or hints that there is trouble at home

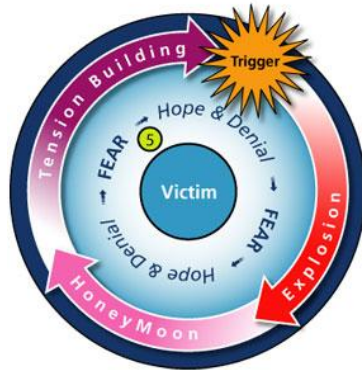
Additional Signs

- Is in the middle of a divorce
- Changes addresses frequently
- Receives a disruptive personal visit from a present or former partner or spouse
- Asks coworkers not to talk about certain things if a partner or spouse shows up at work
- Observes that a partner or spouse has been critical or has demanded an accounting for time and activities

Important note: Taken individually, these signs may also be caused by accidents or personal issues that have nothing to do with an intimate partner, or life changes that may affect job performance. Look for a pattern over time.

Cycle of Violence

For a person in an abusive relationship, the cycle of violence can cause reactions and behaviors that may look confusing to us. A person may come to work with a black eye and the next day receives a bouquet of roses from a partner. The victim understands what is happening and lives with the contradictions, but we may not understand.



1: Tension Building

During the **Tension Building** phase of the domestic violence dynamic, the abused partner walks on eggshells, monitors the abuser's behavior carefully and waits for violence to explode. The victim feels escalating fear and tension as the abuser exerts power and increases control.

2: Trigger

The **Trigger** is the excuse the abuser uses to act out against the victim. A trigger may be anything and is part of the abuse - a misplaced book, a piece of burned toast, a look or a wrinkle in a shirt.

3: Explosion

The **Explosion** is the act of violence against the victim. It could be physical, emotional or both.

4: Honeymoon

In the **Honeymoon**, the abuser has exerted control and wants to maintain it. The abuser promises "never to do it again," and says things like "if only you hadn't done that." Or the abuser sends flowers to work, buys the victim a present or some other token to make it okay again.

Over time the Honeymoon phase often disappears. At this point the cycle may go from Tension Building to Explosion repeatedly.

5: Fear, Hope & Denial

The victim experiences **Fear** during the Tension Building and the Explosion phases. The victim may feel a sense of **Hope** during the Honeymoon phase. During the entire cycle, the victim can be in **Denial** that anything is going to happen, denial while being abused and denial that it will happen again.

Why Victims Stay

Many abused people do seek help, but their complaints may be ignored, minimized or dismissed by others including police, coworkers and even family members.

Many people not involved with an abusive partner say that if their partners ever harmed them, they would leave. Many battered victims remember the same resolve. Why do they stay?

Fear and Trauma

- Belief that the abuser will kill them if they leave
- Memories of previous violent events when they tried to leave
- Threats to take the kids or to harm another family member

Lack of Resources

- No money, clothing or housing
- Lack of transportation
- No child care
- Lack of support from friends, coworkers and family

Family Responsibilities

- Wanting the children to have a father (or mother)
- Wanting to be a good spouse
- Not wanting to disappoint other family members
- Caring for elderly parents or disabled family members

Emotions and Beliefs

- Deep commitment and love for a partner
- Hope that the abuser will change
- Religious beliefs regarding marriage
- Lowered self-esteem
- Confusion
- Depression or anxiety
- Guilt or shame

Dangers in Leaving

- Abusers may escalate violence to force a reconciliation
- Abusers may retaliate for the victims' departure
- Many victims are killed after they have left or separated

When a Victim Leaves an Abusive Relationship

Leaving is a process and requires strategic planning and comprehensive legal interventions to safeguard victims and their families. Most victims leave and return several times before permanently separating from the abuser. But most battered women do leave eventually.

Victims can use a variety of strategies to be safer when they leave, such as:

- Restraining orders
- Shelters
- Community resources to assist them in beginning a new life

Economic supports, job training and employment opportunities are essential for success in leaving an abusive situation. Victims may get income from support awards in protection orders.

What You Can Do

Domestic violence may occur at home, but it affects every business and public sector organization with increased healthcare costs, absenteeism, turnover and stress in the workplace. Companies need policies, procedures and benefit programs to address the issue.

If you are a **manager**, you need to understand how to respond to threats of violence, how abuse affects employee behavior and how to act appropriately to support victims.

If you are a **coworker**, you may be the first to recognize someone who is being abused and you need to know how to act appropriately when domestic violence comes to work.

Managers: What to Do

As a manager, you have responsibilities if you suspect an employee is a victim of abuse or a perpetrator of abuse. Use these guides to help you assist your employee.

Sample Domestic Violence Policy

Below is a sample policy to use for guidance in developing an employer policy. Any policy developed by a company should always include the advice of that company's legal counsel.

- [Sample Policy](#) (PDF, 136 KB)

How to Respond to Victims and Perpetrators

Being prepared can help you respond correctly to an abuse situation in the workplace.

- Understand your company policies and procedures regarding domestic violence.
- Make it safe to talk about domestic violence -- put a poster in the lunchroom or safety cards in restrooms.
- Recognize the warning signs of abuse.
- Know how to support a victim in creating a safety plan (see planning checklist below) for the workplace.
- Understand state law regarding domestic violence.

Help Employees Create a Safety Plan

While the primary responsibility for decisions about safety lies with the victim, managers can assist their employees by helping them think through their safety plan (see planning checklist below) -- especially in regard to the workplace.

Some topics to think about:

- What can be done to be safer during a crisis at home?
- What safety issues affect the employee's children?
- Is there a need for leave time and is the work schedule safe?

- Is the commute to and from work safe?
- Are the parking arrangements at work safe?
- What alternate escape route exists for use if the abuser comes to the workplace?
- Does the employee need to leave the home for any length of time?
- Does the employee need a new work phone number or a call screening system at work?
- What emergency contact information can the employee provide the employer in case a crisis occurs at work?
- How can designated staff contact persons care for the employee's children during work hours?
- What important papers or personal items, including medication, will the employee need? How can they be collected and where can they be stored?
- What health concerns might be impacted by domestic violence? For example: Health insurance or access to medicine.
- You can also refer victims to the safety planning checklist, **listed below**:

Safety Planning Checklist

A safety plan helps victims collect information to aid themselves, their children and supporters if their safety is threatened. A safety plan can also help coworkers, managers, security officers and other key people support the victim when necessary.

If there is an immediate risk, call 911 first, and then call the Domestic Violence Hotline number or local crisis line.

1) Protection or Restraining Order

Obtain a protection or restraining order and make sure it is current.

2) Emergency Contact Numbers

Maintain a list of contact numbers of designated company personnel (human resources, supervisor, security), police, doctors, childcare workers and shelter contacts.

3) Travel Route Between Home and Work

Have a map and description of the usual travel route and method of travel to and from work.

4) Alternative Safe Route

Work out an alternative route and method of travel.

5) Vehicle Descriptions

Write down each vehicle's make, model, color and license number.

6) Parking

Arrange a parking space close to the entrance and have someone walk the victim to and from the car. Find out if there are car pools that can provide transportation.

7) Photo of Abuser

Provide a photo to appropriate staff including reception, supervisors and human resources. Do not violate privacy and confidentiality of the situation -- focus on what to do if the person shows up, not on the reason behind the photo distribution.

8) Escape Route and Safe Places in the Workplace

Plan an escape route and locate safe places within the office. Alert coworkers who assist with

workplace safety. Do not violate privacy and confidentiality of the situation -- focus on what to do in potential or violent circumstances, not the details of this situation.

9) Methods to Summon Help

Come up with code words and security buttons to use when the victim needs help.

10) Specific Health Information

Gather medical records, prescription information, doctors' names and phone numbers, copies of x-rays or other health information.

11) Child Care Options

Compile a list of family, friends, neighbors or onsite child care centers that can help with children. Local shelters may have safe houses available.

12) Copies of Important Documents

Make copies of documents such as driver's license, passport, birth certificates, Social Security card, bank accounts, credit card information, insurance papers and any other documents that may help the victim break free and establish independence. Store these copies in a safe place outside of the home.

Other Resources

Contact the [California Family and Domestic Violence Referral Directory](#) or the [National Domestic Violence Hotline](#) (800-799-SAFE, 800-787-3224 for the hearing impaired) for a list of resources in your area, including:

- Shelters and related services -- safe, temporary housing and meals; support groups, individual counseling and court advocacy
- Court advocates and legal services -- assistance in restraining orders, child support, divorce and custody and visitation. Many court advocate services are free or low cost.
- Domestic violence counselors or therapists -- professionals in private practice or community agencies specialize in working with victims of abuse or batterers.
- Community services -- temporary housing, emergency cash, food and clothing for people in crisis.
- Batterers intervention programs -- court-mandated treatment for people convicted of battering.

Web sites:

[Family Violence Prevention Fund](#)

[National Coalition Against Domestic Violence](#)

[Corporate Alliance to End Partner Violence](#)

[Safe at Home Program](#)

Discussing Work Problems with a Victim

If you think deteriorating performance is related to domestic violence, you should prepare carefully before meeting with an employee.

1. Plan What to Say

- Determine a good time and a comfortable place to talk.
- Stay focused on the problem. Let the victim know that the discussion will remain confidential unless there is a safety risk to other employees.
- Recognize that this may be a difficult conversation for both of you.

2. Discuss What You've Seen

- Describe what you observed, without judgment.
- Let the employee know that you and the organization believe that verbal, emotional or physical abuse in a relationship is never acceptable.
- Listen without judgment. Give plenty of time to answer. Do not moralize or criticize.
- Offer supportive statements: "I believe what you are telling me."
- Stay focused on safety planning. Do not tell your employee to leave the abusive situation, since you could be placing them in more danger.
- Allow the employee to make decisions. Do not try to solve the problem for the victim.
- Discuss options for temporarily adjusting job expectations.

3. Provide Resources

- Provide information about the organization's relevant benefits, policies and support.
- Provide contact information for domestic violence hotlines, local shelters and other resources that may provide immediate assistance.
- Ask the victim to fill out a safety plan and let the employee know that someone can help.

How to Approach a Victim

There are no magic words. Victims will often resist talking about their situation and are afraid to reveal information for many reasons.

To facilitate communication with a victim of domestic violence, make sure the victim:

- Feels safe to talk about the abuse.
- Knows that she or he will be believed and supported.

Also keep in mind:

- The victim knows the situation and its dangers better than anyone.
- Work may be the only place the victim feels safe.
- Regaining self-sufficiency requires keeping a job, receiving a paycheck and maintaining medical benefits for the victim and any children involved.

Remember that job performance issues may be discussed at any time with an employee. It may take several conversations and a great deal of listening before the issue of domestic violence comes up, leading to appropriate referrals for assistance.

Domestic Violence Perpetrators at Work

Domestic violence perpetrators cannot be identified by a profile of demographic or other characteristics.

A domestic violence perpetrator can:

- Be "invisible" due to exemplary or satisfactory job performance.
- Deny or minimize problems.
- Blame others -- especially the victim.
- Gain sympathy by sharing convincing stories about his "difficult" partner.
- Show "defensive" injuries such as scratch marks and bite marks.
- Display inappropriate anger or resentment toward the victim.
- Use the system to his or her advantage so the perpetrator appears to be the victim.
- Be absent or late to work due to court or jail time or because of actions toward the victim.

Beliefs and Fears of a Perpetrator

You may hear things like this from a domestic violence perpetrator:

- "It's how we communicate."
- "I have the right to break my own things. That's not abuse."
- "Stress pushes me over the top."
- "If she didn't like it, she would leave."
- "Someone has to be in charge."
- "It's just a bad relationship."
- "I never use violence when I am sober. If I am not using alcohol (or drugs), then I am not violent."
- "When I get angry I have to let off steam. Just don't get in my way."
- "Sometimes you just have to be rough to make your point."

Coworkers: What to Do

Victims of domestic abuse often choose to speak first with a coworker. You may be the first to notice symptoms of abuse.

You don't need to be an expert in domestic violence. However, you can notice domestic abuse in the workplace and take action by speaking with a coworker and expressing your concern. That may be an important step in helping a victim get help.

How to Respond to Victims and Perpetrators

Being prepared can help you respond correctly to an abuse situation in the workplace.

- Understand your company policies and procedures regarding domestic violence.
- Ask your supervisor or human resources representative to address domestic violence as a workplace issue.
- Recognize the warning signs of abuse.
- Think about how to speak with a coworker who might be abused.
- Know how to respond to domestic violence perpetrators.

How to Approach a Coworker Who May Be Abused

There are no magic words. Victims will often resist talking about their situation and are afraid to reveal information for many reasons.

To make it easier to talk with a victim of domestic violence, make sure your coworker:

- Feels safe to talk about the abuse.
- Knows that she or he will be believed and supported.

Also keep in mind:

- The victim knows the situation and its dangers better than anyone.
- Work may be the only place the victim feels safe.
- Regaining self-sufficiency requires keeping a job, receiving a paycheck and maintaining medical benefits for the victim and any children involved.

Plan What to Say

- Determine a good time and comfortable place to talk.
- Recognize that this may be a difficult conversation for both of you.

Discuss What You've Seen

- Describe what you observed, without judgment.
- Listen without judgment. Give plenty of time to answer. Do not moralize or criticize.
- Offer supportive statements: "I believe what you are telling me."
- Let your coworker know that you believe that verbal, emotional or physical abuse in a relationship is never acceptable.

Provide Resources

- Provide contact information for domestic violence hotlines.
- Suggest the coworker speak with his or her manager about what is going on, call the company's employee assistance program or contact human resources.

Remember that nothing may appear to change after your conversation. Your coworker may deny that anything is going on.

By showing your concern and taking a risk by speaking with your coworker you may plant a seed that leads to the victim getting help.

Domestic Violence Perpetrators in the Workplace

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- "When I get angry I have to let off steam. Just don't get in my way."
- "Sometimes you just have to be rough to make your point."

Responding to Domestic Violence Perpetrators at Work

You can help. If you believe a coworker may be a perpetrator, be thoughtful about how you respond.

If you observe or receive information that a coworker is making jokes about domestic violence, harassing a victim during work hours by telephone or using organization vehicles to follow the victim, you should immediately speak with your supervisor.

Let your supervisor know your concerns and relate what you have observed or heard. If you don't feel comfortable speaking with your supervisor, you may contact your human resources department directly.

- Don't respond or reinforce the behavior in any way.
- Don't agree with any statements that suggest the partner is at fault.

The Law

Domestic Violence Defined

California (Penal Code 13700)(Penal Code 273.5)

Abuse means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to that person or another in physical violence or the threat of physical violence.

Domestic violence means abuse committed against an adult or a fully emancipated minor who is a spouse, former spouse, cohabitant, former cohabitant, or parent of a child (in common), or current or former dating or engagement relationship.

In California this definition has been interpreted by the courts to include emotional, verbal and psychological abuse, as well as stalking and coercive behavior.

Legal Compliance and Domestic Violence in the Workplace

Introduction

There are various federal and state laws, regulations, and remedies that organizations must follow to both protect their legal interests as well as to support their employees who are experiencing domestic violence. The below overview and Fact Sheets provided in the Appendix briefly describe these laws and regulations as they pertain to California employers as well as provide information on resources you may contact to learn more about protecting yourself and your employees.

Our appreciation goes to the Legal Aid Society - Employment Law Center (www.las-elc.org) for development of these educational materials.

Practices in the Field

1. Understand exceptions to the "at will" employment termination rule.

Generally employers can terminate employees "at will," meaning at any time for any reason, however there are exceptions to the "at will" rule. It is illegal for employers to terminate, retaliate or discriminate against employees due to any of the following reasons:

- an employee's race, sex, color, national origin, religion, gender, sexual orientation, gender identity, age, disability, pregnancy, medical condition, language (or accent), or marital status;
- in violation of a real or "implied" (employees have a reasonable expectation of continued employment) contract;
- in retaliation for employees enforcing their own legal rights (such as filing a claim for unpaid wages); or
- because an employee has reported you to a government agency or to the police.

2. Employees are entitled to job-protected time off from work to go to court.

Employees are entitled to take job-protected but unpaid time off from work to comply with a subpoena, testify in a case, or go to court to obtain a temporary restraining order, restraining order, or any other type of judicial relief to protect themselves or their family from domestic violence abuse. As an employer you cannot fire, retaliate or discriminate against an employee for taking this time off.

Generally an employee is required to provide you with advance notice of her/his need to take time off. If your employee cannot provide advance notice, however, s/he is still protected for taking this time off if s/he can provide proof to you that s/he is a domestic violence survivor.

3. Employees may be entitled to job-protected time off from work to obtain domestic violence services.

If you employ 25 or more employees, your employees are entitled to take up to 12 weeks of job-protected but unpaid time off from work to obtain medical services, services from a domestic violence or sexual assault/rape crisis center, counseling, or to participate in safety planning, including staying in a shelter or moving. Employers cannot fire, retaliate or discriminate against employees for taking this time off. Generally employees are required to provide their employer with advance notice of their need to take time off. If an employee cannot provide advance notice, however, s/he is still protected for taking this time off if s/he provides proof to her/his employer that s/he is a domestic violence survivor.

4. Employees may be eligible for disability law protections and accommodations in the workplace.

If an employee has physical or mental health disabilities that were caused or exacerbated by domestic violence, s/he may be entitled to a workplace free of disability-based discrimination and harassment and may be eligible for workplace reasonable accommodations for her/his disability, including a reduced work schedule, a leave of absence from work, or a transfer to a vacant position. The California Fair Employment and Housing Act's reasonable accommodation and anti-discrimination provisions apply to employers with 5 or more employees, while the harassment provisions apply to employers with 1 or more employees.

5. Many workers can get 12 weeks of job-protected unpaid medical leave, with the right to return to work.

Under family/medical leave laws, an employee may be entitled to 12 weeks of job-protected but unpaid time off from work to care for a child, parent, spouse or registered domestic partner with a "serious health condition," or for her/his own "serious health condition," such as a condition that was caused or exacerbated by domestic violence abuse (or to "bond" with a newly born, adopted or foster child). Employers must maintain the employee's health benefits if s/he has them and must reinstate an employee to the same or an equivalent position upon return. To qualify:

- An employer must have 50 employees within a 75-mile radius of the employee's worksite;
- Employees must have worked at their job for at least one year; and
- Employees must have worked at least 1,250 hours during the previous 12 months.

Regardless of whether they meet the above employer-size or employment-length rules, workers who participate in the State Disability Insurance (SDI) Program are entitled to a maximum of six weeks of partial pay each year while taking time off from work to care for a seriously ill parent, child, spouse or registered domestic partner (or to bond with a new child). Additionally, California employees are entitled to use up to one-half of their annual sick leave time to attend to the illness of a family member.

6. Employees may be eligible for unemployment insurance if employees quit because of domestic violence.

If an employee quits to protect herself/himself or her/his family from domestic violence abuse, that employee may have "good cause" to receive benefits and the employer's reserve account will not be charged.

Resources

Please refer to the below Fact Sheets for additional information on legal considerations related to domestic violence.

(NOTE: These Fact Sheets were developed by Legal Aid Society - Employment Law Center to educate employees on their legal rights. While the language is oriented to an employee audience, the information captured is relevant to employers as well.)

[Job-Guaranteed time off to go to court \(PDF\)](#)

[Job-guaranteed time off to obtain services \(PDF\)](#)

[Paid Family Leave Benefit \(PDF\)](#)

[Taking Leave for Your Own Health Condition \(PDF\)](#)

[Taking Leave to Care For A Family Member \(PDF\)](#)

[Unemployment Insurance If You Must Quit \(PDF\)](#)

[Disabilities in the Workplace: An Introduction to State and Federal Laws \(PDF\)](#)

For additional information, please contact

Domestic Violence and Employment Project of the Legal Aid Society -
Employment Law Center toll-free at (888) 864-8335.

Note: *The intention of the information in this document is to provide accurate, general information regarding legal rights relating to employment in California. Because laws and legal procedures are subject to frequent change and differing interpretations, Blue Shield of California Foundation and the Legal Aid Society - Employment Law Center cannot ensure the information on this Web page is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about you and your employees' rights in a particular situation.*