

Policy for Domestic Violence/Intimate Partner Violence in the Workplace

The effective date of this Administrative Policy and Procedure is (date).

Name of Individual Approving

_____ Signature of head of agency/facility for approval

Purpose:

The purpose of this policy is to establish the protocols for responding to Domestic Violence/Intimate Partner Violence that may impact the workplace, and promote a workplace culture of prevention and support.

Policy:

<Organization Name> does not tolerate domestic violence/intimate partner violence and offers support and referrals to assist employees who disclose concerns or requests for help. Employees who are victims may choose to notify a designated individual or a supervisor, who would then consult with human resources staff.

This policy includes full and part-time employees, interns, contractors, volunteers or temporary workers.

Procedures:

- <organization name> respect's an employee's right to privacy and the need for confidentiality, therefore shall maintain the confidentiality of an employee's disclosure regarding violence to the extent allowed by law, and unless to do so would result in any harm to any person, and/or jeopardize safety within the workplace.
- A copy of the workplace domestic violence policy should be available to all employees and accessible in common spaces such as intranet or policy handbooks onsite.
- All phones in the building must be able to dial 911.
- All buildings must have security personnel who walk the perimeter of the building and offer escorts to the parking garage.
- Managers and supervisors shall be sensitive to and respectful of the needs, expectations and choices of persons who are or may be victims of domestic violence.
- Supervisors shall use the guidelines to help interact with employees who are victims of domestic violence and help those employees obtain the services needed.
- Have available resources for victims of domestic violence such as Employee Assistance Program (EAP), National Domestic Violence Hotline, and local shelters.

Guidelines:

- Treat employees with dignity, respect, and compassion and regard the safety of victims and their family if applicable as priority.
- Do not ignore the situation. If workplace intervention is appropriate, either at the employee's request or to respond to a threat to the workplace, early intervention can provide advantages. In many cases, early intervention can prevent an incident of violence that could devastate the entire workplace. Work may be the only resource an employee has left.
- Make a safety plan for the workplace. (see considerations on page 3)
- Take great care to treat domestic violence with the same confidentiality as with any other personal concern of an employee's.
- Identify which staff member is responsible for training employees on the domestic violence policy.
- All supervisors should be trained on how to identify warning signs of violence in the workplace and how to respond appropriately.
- The manager/supervisor role is to refer the employee to appropriate resources, NOT to diagnose or counsel.
- Should an employee's work be affected, supervisors should work with them to develop a work plan
- Follow all applicable personnel policies and procedures, union contract provisions, and statutes if the employee needs to take 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. (see page 3 for Arizona statutes)
- If an employee requests to relocate to an alternate work station or work site for safety reasons, managers should work with human resources and union representatives (if applicable) to honor the request. If relocation is offered, it should not result in a reduction in pay, status, or benefits. Make sure the workstation is not visible to visitors.
- Review the safety of parking arrangements. If within the control of the employer, make sure that parking areas are well lit. As appropriate, provide security escorts to parked cars and priority parking near the building entrance for employees who fear an attack at work.
- Consider workplace flexibility as employees threatened by domestic violence may need time off to go to court, find a new place to live, or recover from injuries.
 - They may also need a different schedule so they are not tracked down on the job.
 - May need their phone calls screened.
 - May need additional security at location
- If there is a threat to the workplace, call security personnel right away.

Resources Available at the Workplace:

- Local Shelters
- National Domestic Violence Hotline- 1-800-799-7233
- National Sexual Assault Hotline- 1-800-656-4673
- Arizona Coalition to End Sexual & Domestic Violence: 602-279-2900
- Workplaces Respond – workplacesrespond.org
- Employee Assistance Programs
- If you are in danger call 911

Employee Workplace Safety Plan (questions to consider/plan for):

- Has the employee been threatened at the workplace or threatened to come to the workplace?
- Has stalking been a problem?
- Have co-workers been threatened?
 - Consider a restraining order and give a copy to facility security if filed.
- Does the victims work area need to be relocated for better security?
- Save any threatening or intimidation email, letters or voicemail messages from the perpetrator.
- Have the employees phone calls screened.
- Is the employee's parking arrangement safe?
 - Have security to escort the employee to and from their car
 - Have the employee park as close to the entrance as possible
- Are current child care arrangements safe?
 - Does the restraining order need to include the childcare facility?
- Does security staff and co-workers have the information they need to help protect the employee, such as a photograph of the perpetrator?
 - Provide a picture to security and reception areas
- If the employee is temporarily residing in a shelter or some other confidential location, do designated workplace personnel have emergency contact information?
- Is the employee's work schedule flexible enough for them to manage court appearances, legal matters, and child care without having to take a cut in pay or use unpaid leave?
- Is the travel route between the employee's home and work safe?

Arizona Statues:

Ariz. Rev. Stat. § 13-4439 : Right to leave work

- An employer who has fifty or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and

any agent of that employer, shall allow an employee who is a victim of a crime to leave work to:

- Exercise the employee's right to be present at a proceeding.
- Obtain or attempt to obtain an order of protection, an injunction against harassment or any other injunctive relief to help ensure the health, safety or welfare of the victim or the victim's child.
- An employer may not dismiss an employee who is a victim of a crime because the employee exercises the right to leave work.
- An employer is not required to compensate an employee who is a victim of a crime when the employee leaves work.

Ariz. Rev. Stat. § 12-1810: Injunction against workplace harassment; definitions

- An employer or an authorized agent of an employer may file a written verified petition with an official, justice of peace or superior court judge for an injunction prohibiting workplace harassment.

Proposition 206: The Fair Wages and Healthy Families Act

- The most recent ballot initiative on November 8, 2016 establishes a new state minimum wage effective January 1, 2017, and entitles employees to accrue earned paid sick time beginning July 1, 2017.
- An employer can require reasonable documentation of absences of three or more consecutive work days, an employer may not require that an employee specify the relevant health condition or the details of domestic violence, sexual violence, abuse or stalking.

The Federal Family and Medical Leave Act (FMLA):

- Doesn't mention domestic violence but it can offer job-protected leave for victims