

Domestic Violence in the Workplace: breaking the silence

Version 2.0



In the past most people treated domestic violence as a private family matter that shouldn't be discussed openly. Certainly it was also viewed as not the business of a victim's employer or co-workers.

However, according to a 2014 survey conducted by the Canadian Labour Congress (CLC) and Western University abuse at home follows half of its victims to work. In fact, abusive phone calls, stalking and harassment in the workplace are common for 54 per cent of domestic abuse victims.

Victimized workers are vulnerable at work because their work hours, parking arrangements, and geographical location are predictable. This can affect the safety of not only the victim, but also the victim's co-workers, supervisor, clients or guests in the workplace.

High profile cases like the 2005 murder of nurse, Lori Dupont, by her former boyfriend and co-worker demonstrated domestic violence is a potential workplace violence issue and one in need of a serious response. After much lobbying and campaigning by the labour movement, Dupont's family and others, the response came on June 15, 2010, when the *Occupational Health and Safety Act* was amended to include a new employer obligation to prevent all forms of violence, including domestic violence, in the workplace.

What is domestic violence?

Domestic violence (sometimes called family violence, partner abuse, or intimate partner violence) is an ongoing pattern of abusive or coercive behaviours used by the abuser to establish power and control over their partner. Cyclical in nature, domestic violence is not just physical hitting, slapping or threatening to hurt. It is also emotional, sexual, psychological intimidation, verbal abuse and using electronic devices to harass and control. Abuser behaviours include name-calling, insults, lying, controlling finances and isolating the partner from friends or family. It often escalates, becoming more severe or more frequent over time, and having serious and even lethal consequences.

Both men and women are victims of domestic abuse. However, according to Statistics Canada the majority of domestic violence victims are women. In 2011, women represented 80 per cent of police-reported intimate partner violence. Similarly, both men and women are abusers, however, some 98 per cent of the perpetrators of domestic violence are men.

Domestic violence impacts everyone regardless of income, gender, race, ethnicity, age, sexual orientation, or

religion. It can happen to couples who are married, living together, or former partners and it affects people of all income levels and educational backgrounds. Of note, rates of spousal violence are highest among women aged 25 to 34.

Abusers also engage in stalking. Also, known as **criminal harassment**, stalking is a pattern of activity characterized by threatening behaviours that inflict psychological trauma on the victim and can result in serious injury or death.

Stalking includes a broad range of behaviours such as:

- Following or waiting outside the victim's home, workplace, or school;
- Sending or making written threats (e.g. sending email or text messages);
- Uttering verbal threats either directly or by phone, or through a third person;
- Damaging the victim's property; and
- Generally harassing the person.

How is the workplace affected?

Domestic violence affects thousands of working people every day. It impacts the ability of workers to provide and care for themselves and their families. It also impacts the workplace in the following ways: decreased productivity; increased health care costs; absenteeism; and employee turnover. Workers who are the abusers/perpetrators may illegally use company equipment (e.g. phone, fax, email) and company time to stalk, harass or threaten their victim. Most importantly their violence can compromise the safety of their co-workers.

As the perceived danger increases for one worker, the level of distraction and fear for co-workers also increases. Co-workers may:

- Have to fill in for absent or non-productive workers;
- Feel resentful of victimized workers needing time off;
- Try to "protect" co-workers from unwanted phone calls, visits, etc.;
- Be completely unaware of how to intervene, often feeling helpless and distracted from their work;
- Fear for their own safety.

According to the survey conducted by the CLC and Western University, Canadian employers lose some \$77.9 million annually owing to direct and indirect impacts of domestic violence. According to the Ontario Women's Directorate, the estimated economic costs of domestic violence to health, criminal justice, social services plus lost productivity range in the billions of dollars in a single year.

What are the warning signs?

The workplace may be one of the only places victimized workers have sanctuary from the abuser and where they are safe to receive help and support. Managers, supervisors and co-workers should be trained and encouraged to keep their eyes and ears open for signs that a worker in their workplace may be suffering from abuse. The warning signs include the following:

- Social withdrawal from co-workers;
- Bruises or physical complaints that show signs of assault (and that the worker tries to hide);
- Crying or outbursts of anger when on the phone;
- Frequent personal calls that leave the worker upset;
- Insensitive or insulting messages from a partner or former partner;
- Disruptive personal visits to the workplace by present or former partner;
- Reduced productivity, decline in job performance and lack of concentration, and errors;
- Last minute excuses of cancellations;
- Uncharacteristic absenteeism, and tardiness;
- Increased use of drugs or alcohol to cope.

Even though warning signs may be present, a victim of domestic violence is often reluctant to discuss it out of embarrassment or fear – which means the situation should be handled with extreme care. Communicate support even if the worker is not ready to discuss the abuse.

What is the law?

Domestic violence is against the law. In addition to assault and sexual assault, the *Criminal Code of Canada* outlaws "stalking." Section 264 (1), of the Code says that no person shall engage in conduct that causes another person to fear for their safety or the safety of anyone known to them. This conduct includes the following:

- Repeatedly following from place to place, the other person or anyone known to them;
- Repeatedly communicating with, either directly or indirectly, the other person or anyone known to them;
- Watching the dwelling/house, or place where the other person, or anyone known to them resides, works, carries on business or happens to be; or
- Engaging in threatening conduct directed at the other person or any member of their family.

The *Criminal Code of Canada* also establishes a duty for all persons “directing the work of others” to take reasonable steps to ensure the safety of workers and the public.

Further, Section 32.0.4 of Ontario’s *Occupational Health and Safety Act* says, “If an employer becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury may occur in the workplace, the employer shall take every precaution reasonable in the circumstances for the protection of the worker.”

What can employers do?

There are a number of things employers can do to ensure the workplace is safe for workers subject to domestic violence and their co-workers. First and foremost, the workplace violence policy and program should also take into account the issue of domestic violence.

Domestic violence policy and procedures, like the overall workplace violence program, should be developed in consultation with the Joint Health and Safety Committee (JHSC), or health and safety representative and should include the following:

- Information and instruction for workers, managers and supervisors in domestic violence identification and response, plus workplace-specific policies and procedures;
- Posting of information on domestic violence, phone numbers and locations of nearby shelters in accessible areas in the workplace (eg. lunchrooms, washrooms, and on company website);
- Enhanced security in the workplace to prohibit a worker’s abuser (and other non-employees) from entering the workplace unescorted;
- A provision for all workers to inform the employer if they fear a specific case of domestic violence may enter the workplace;
- A provision stating the employer will treat all reports of domestic violence with appropriate confidentiality;
- Employer commitment to help enforce an existing peace bond and/or restraining order;
- Regardless, employer commitment to develop an individual plan of prevention and emergency response with the cooperation and input of the victimized worker;
- Establish or expand Employee Assistance Programs (EAP) to provide services for workers who are victims subject to domestic abuse;
- Workers witnessing a domestic violence incident must report it to the employer, security, and/or the police;
- Workers witnessing a co-worker using company resources or equipment to harass, threaten or stalk someone must report it to the employer;
- Workers witnessing violent actions or directly impacted by violence in any way will be offered critical incident debriefing services to reduce long-term effects of violence;
- Accountability (e.g. discipline) for workers or co-workers who are perpetrators of domestic violence and use company resources such as work time, workplace telephones, fax machines, mail, email or other means to harass, threaten, or stalk their intimate

partner or co-worker;

- Reporting the offending worker to the police (if appropriate);
- Referral of the offending worker or co-worker to resources in the community to get help.

An individual safety plan should be implemented for all established domestic violence situations in the workplace. The employer should consult with internal security or local law enforcement. In addition to the above measures they should assess the overall workplace violence policies and procedures for the protection they afford. But as indicated above, the employer should also work in concert with the victimized worker to determine what additional measures are needed. The plan should consider the following actions:

- Change the worker’s work station (position the desk or work area away from doors, windows, lobbies or parking lots);
- Change work schedule (offer flex time);
- Provide the worker parking near the front door and arrange for someone to walk with them to and from their car;
- Remove the worker’s email address and telephone extension from public directories;
- Have another worker or third party screen the victim’s telephone calls and email messages;
- Encourage the worker to save any threatening emails or voice-mail messages (these can be used in future for legal action);
- Help the worker document all incidents of harassment and/or stalking that occur in the workplace;
- If the worker has secured a peace bond and/or restraining order prohibiting the abuser from having contact with them, they should ensure these documents include the workplace and supply copies to the employer;
- The worker should also provide a photograph of the abuser to the employer as well;
- Offer paid leave for the worker to attend legal proceedings, tend to family emergencies and attend counseling sessions.

What can co-workers do?

Co-workers are often reluctant to intervene when they suspect that a friend or colleague is the victim of domestic violence. Co-workers fear the reaction to a perceived “invasion of privacy” when they want to be proactive and offer help to their colleague. However, with more awareness of the issue of violence, this attitude is changing.

There are several things a co-worker can do to help a colleague who is the victim of domestic violence. These include the following:

- If you suspect a co-worker is suffering abuse, do not directly confront them since it is important for an individual to self-disclose for their own safety and well-being;
- Express concern and a willingness to listen and be supportive if needed;
- Offer support by listening and assisting; when an individual is ready they will confide;
- If you witness an incident at work, contact your employer, supervisor and

the police department immediately so appropriate steps can be taken. Make sure that the incident is documented;

- Be open-minded and avoid judging (try to keep your personal feelings and opinions to yourself);
- Don’t blame either the worker or their partner (tell the worker abuse is not their fault);
- Provide information not advice (you are not the expert);
- Do your best to ensure confidentiality (talk in a quiet place; assure your co-worker you will not repeat the conversation).

Other things to remember

- Nothing justifies abusive behaviour. Many forms of abuse are criminal acts;
- Alcohol and drugs contribute to abuse but they are not the cause of it;
- Once a pattern of abuse has been established it is very difficult to stop without outside help;
- Leaving an abusive relationship is very difficult and in some cases, the worker, their closest friends and family members are at extreme risk of harm;
- Be patient. You need to understand that people can only take action to leave an abusive situation when they are ready. Tell them you believe in their ability to make changes when they are ready.
- Offer support;
- If you witness an assault and you are having trouble coping with the incident after the fact you might need some outside assistance. Contact your EAP.

For more information on domestic violence, visit: www.neighboursfriendsandfamilies.ca/

For information on prevention of workplace violence and harassment see WHSC Resource Lines, entitled, *Workplace Violence: Predictable and Preventable* and *Workplace Harassment: From Investigation to Prevention*.



Resource Lines

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