

# ***BUSINESS INSURANCE***

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## **Employer Response Important in Dealing with Domestic Abuse; States Enact Rules to Aid Victims**

By Meg Shreve

Once regarded as an issue that remained in the home, domestic abuse has become a focal point of state legislatures and companies. Employers are increasingly concerned about the threat an abuser can have on the safety of the workplace.

According to the Family Violence Prevention Fund, one in three women will report physical abuse at the hands of a partner at least once in her lifetime. Esta Soler, president of the San Francisco-based nonprofit, emphasized that domestic abuse incidents definitely have the potential to spill over into the work environment.

Employees “don’t keep what is happening at home,” Ms. Soler said. An abuser can follow an employee into the workplace, with abuse coming in the form of harassment or stalking, and potentially threaten the safety of the entire office, she said.

Domestic abuse is so “pervasive” that if employers are “proactive, you are going to have a safer workplace,” Ms. Soler added.

Beyond threatening the safety of a workplace, domestic abuse can also limit employee effectiveness, increase medical costs and contribute to absenteeism. A survey of Fortune 1000 companies conducted by New York-based apparel company Liz Claiborne Inc. found that 47% of senior executives believed domestic violence reduced productivity, and 44% of the executives said that it increased health care costs.

Paul Starkman, an attorney and head of the employment group at Chicago-based Arnstein & Lehr L.L.P., said that, in the past, domestic abuse was a “hidden topic” that companies did not address.

Abuse was regarded as a personal issue best left at home. But now companies are taking a “more sensitive, proactive approach” in dealing with domestic violence, Mr. Starkman said.

Recent state legislation has begun to regulate the treatment of employees facing domestic abuse, forcing companies to re-examine how their workplace policies address the issue.

According to the New York-based women’s legal rights group Legal Momentum, nine states have passed legislation allowing employers to seek restraining orders against individuals who threaten their employees.

Twenty-six states grant unemployment insurance to those forced to leave their jobs because of domestic violence. Six states require companies to provide leave for employees needing to take time off to deal with concerns related to domestic abuse such as court dates, counseling, medical care and relocation. Ten states prohibit discriminating against a victim of domestic abuse in “certain circumstances,” Legal Momentum said, while Illinois is the only state to have enacted legislation prohibiting all forms of workplace discrimination against a victim.

Such legislation clarifies that employers “have a duty to make accommodations,” Mr. Starkman said.

Critical to making such accommodations and addressing domestic abuse is establishing a general safety policy that covers all forms of violence and abuse.

Mark Hinson, assistant superintendent of Adams 12 Five Star Schools in Thornton, Colo., said that the role of the school district’s human resources services is to maintain a culture of support.

Mr. Hinson also stressed that it was “important that human resources not usurp the role of medical professionals.” HR professionals should have knowledge of the issues surrounding domestic abuse and help employees seek the counseling and other resources they need for help.

One way to educate supervisors, HR staff and security professionals is through company training. The San Francisco-based Blue Shield of California Foundation offers free training sessions for California companies.

Marianne Balin, manager of the Blue Shield Against Violence Program, said the sessions explain how to spot the characteristics of abuse and how to respond in “safe and appropriate” ways.

Training involves local domestic abuse agencies that are often “indispensable,” said Ms. Balin. Local agencies typically have a better understanding of the resources available in the community and how the court systems work, she pointed out.

Companies such as Harman International Industries Inc., a manufacturer of audio electronics based in Washington, also incorporate training and local abuse counselors into their policies. At Harman, domestic abuse training is mandatory for its 3,000 employees. The company’s protocol includes working with security personnel and a referral system. Harman’s policy on domestic abuse has been in place since 1996; it was prompted by the murder of an employee by her ex-husband.

Lynn Harman, corporate counsel for Harman, said that implementing the policy has been “relatively inexpensive” and that employees now seek help when they once feared embarrassment or termination.

“Everyone (benefits) from having this policy in place,” Ms. Harman said.

Along with providing training, managing security risks is another important area, observers say.

Barry Nixon, executive director of the Lake Forest, Calif.-based National Institute for the Prevention of Workplace Violence Inc., helps conduct training with some of the Blue Shield Against Violence clients. He said such measures as encouraging employees to disclose the existence of restraining orders and monitoring entrances are “obvious” steps. But he advocated taking a more active stance.

Employers should get “ahead of the curve” by having supervisors create an open dialogue with employees, Mr. Nixon said. If, for example, security personnel have been alerted to instances of an employee being harassed, they potentially can act sooner.

Other companies, including Liz Claiborne, conduct security assessments as part of their domestic abuse policies. Often this means evaluating the threat an abuser poses to the office and taking precautions such as changing the location of an employee’s desk or parking spot or alerting security personnel to the existence of a restraining order.

Along with conducting security assessments, Liz Claiborne trains HR professionals and managers how to spot and respond to domestic violence; the company maintains a domestic violence response team specifically to deal with victims. Employees are urged to contact the National Domestic Violence hotline or are directed to local agencies or employee assistance programs.

In the two years that the company has had its workplace program in place, Liz Claiborne, with 13,000 employees worldwide, has handled 40 formal cases that required more action than a referral, according to Dennis Butler, vp of associate relations.

“In the last two years, I’ve appreciated that (domestic violence) does have a real impact on the office,” Mr. Butler said. “You can’t ignore it.”

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