[NAME OF COMPANY]
Sample Policy on Domestic Violence

Table of Contents

I. Date Issued p. 1
II. Purpose p. 1
III. Definitions p. 1-3
IV. Policy p. 3-6
V. General Guidelines Regarding Assistance for Survivors and Perpetrators p. 6-15
VI. Rationale p. 15

I. DATE ISSUED

The issue and effective date of this policy is ____________.

II. PURPOSE

[COMPANY NAME] is promoting the health and safety of our employees. Domestic violence is a leading cause of injury to women in this country. The purpose of this policy is to heighten awareness of domestic violence and to provide guidance for employees and management to address the occurrence of domestic violence and its effects in the workplace which will increase victim safety and offender accountability.

III. DEFINITIONS

A. Domestic Violence: A pattern of coercive behavior that is used by one person to gain power and control over another which may include physical violence, sexual assault and rape, emotional and psychological intimidation, verbal abuse, stalking, and economic control. Domestic violence occurs between people of all racial, educational, religious,
economic backgrounds, in heterosexual and same sex relationships, living together or separately, married or unmarried, in short term or long term relationships. Domestic violence is a major cause of injury to women, although men also may be victims of such violence. Domestic violence and sexual assault are pervasive, serious crimes that not only affect individual victims and offenders, but they can also threaten workplace security, increase medical and insurance expenses, sick leave, absenteeism and employee turnover.

B. **Sexual Assault:** Sexual penetration of anyone under age 17, or of an adult without consent, *including one’s spouse.* This includes the actor compelling the other person to submit or participate by the use of physical force or violence or threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat. [Texas Penal Code, Chapter 22, Section 22.011]

C. **Stalking:** On more than one occasion, pursuant to the same scheme or course of conduct, directed specifically at another person, the actor knowingly engages in conduct including following the victim, that the actor knows or reasonably believes the other person will regard as threatening bodily injury or death to the person or the person’s family or household, or threatening damage to the person’s property, that causes the other person to fear one of the things listed above, and that would cause a reasonable person to fear one of the things listed above. [Texas Penal Code, Chapter 42, Section 42.072]

D. **Protective Order:** A court order specifically designed to protect an individual who: is related to the offender by blood or marriage, currently lives in the same household or has ever lived in the same household as the offender, has a child with the offender, or is a foster parent with the offender. Protective orders set out a list of items an offender can be ordered to do or refrain from doing. [Texas Family Code, Chapter 85, Sections 85.021 and 85.022] For example, if the offender and victim work for the same employer, the offender could be ordered to refrain from going to the floor of the building where the victim works. Protective orders can also address: child custody and visitation issues; the disposition of property mutually owned by the offender and victim; granting exclusive possession of the residence to a specific party; requiring child and spousal support; requiring the offender to successfully complete a batterer’s intervention program; the disposition of community property; and prohibiting the offender from doing specified acts or requiring the offender to do specific acts to prevent family violence. [Texas Family Code, Chapter 85, Sections 85.021 and 85.022(a)]

E. **Batterer, Perpetrator, Abuser or Offender:** The individual who commits an act of domestic violence as defined above.

F. **Batterer’s Intervention Program:** Programs batterers attend that are designed to eliminate violence in intimate relationships, stop other forms of abusive behavior and increase victim safety. Inappropriate batterers’ intervention programs include, but are not limited to
couples, marriage, or family counseling and anger management courses. These have proven to be ineffective in stopping domestic violence.

G. **Survivor or Victim:** The individual who is the subject of an act of domestic violence.

**IV. POLICY**

**A. Early Intervention and Education Prevention Strategies**

1. It is the policy of [COMPANY NAME] to use early prevention strategies in order to avoid or minimize the occurrence and effects of domestic violence in the workplace. [COMPANY NAME] will provide available support and assistance to employees who are survivors of domestic violence. This support may include: confidential means for coming forward for help, resource and referral information, additional security at the workplace, work schedule adjustment or leave necessary to obtain medical, counseling, or legal assistance, and workplace relocation. Written resource and referral information will be available in English and Spanish. Other appropriate assistance will be provided on individual need. In all responses to domestic violence, [COMPANY NAME] will respect the confidentiality and autonomy of the adult survivor to direct her or his own life, to the fullest extent permitted by law.

2. [COMPANY NAME] will maintain, publish, and post in locations of high visibility, such as bulletin boards and break rooms, health/first aid offices, company phone directories, and on-line information databases, a list of resources for survivors and perpetrators of domestic violence, including but not limited to the National Domestic Violence Hotline @ 800/799-SAFE or 800/787-3224 (TTY). The Employee Assistance Program and the Human Resources Department have a complete listing of local services that are available to victims and perpetrators of domestic violence.

3. [COMPANY NAME] will ensure that all supervisors, managers and employees receive a copy of this policy, are aware of [COMPANY NAME]’s policies on these issues and, when possible participate in domestic violence and sexual assault training.

4. [COMPANY NAME] will ensure that all supervisors, managers and employees are aware of possible warning signs of an abuse victim, such as unexplained bruises, change in attitude or performance, lack of concentration, increased or unexplained absences, depression or heightened anxiety, receipt of harassing telephone calls, and disruptive personal visits to the workplace.
5. [COMPANY NAME] will ensure that all supervisors, managers and employees are trained in safety planning and the handling of emergencies, such as the offender showing up at the workplace, armed and threatening the victim and coworkers.

6. [COMPANY NAME] will ensure that all managers are trained to speak with an employee who appears to be in danger, following this policy and making appropriate referrals.

7. [COMPANY NAME] will, to the extent possible, offer employees a reasonable amount of time off during work hours to obtain a protective order, testify in the criminal trial, move or otherwise attend to emergency needs.

8. [COMPANY NAME] will ensure that any Company affiliated insurance companies do not discriminate against victims by denying or limiting coverage entirely or in part, based on health issue arising from the abuse.

9. [COMPANY NAME] will provide in-house legal assistance for victims of domestic violence.

10. [COMPANY NAME] will provide a mailing address for employees who have safety concerns to use for state licensing purposes or professional information.

B. Leave Options for Employees who are Experiencing Threats of Violence

1. At times, an employee may need to be absent from work due to family violence, and the length of time should be determined by the individual’s situation. This time period shall be determined through collaboration with the employee, supervisor/manager and Human Resources representative [and union representatives, where the employee is represented].

2. Employees, supervisors, and managers are encouraged to first explore whether paid options can be arranged which will help the employee cope with a family violence situation without having to take a formal unpaid leave of absence. This leave will not be used against the employee. Depending on circumstances, this may include:

   **Time Off Options – With Pay**
   - Arranging flexible work hours so that the employee can handle legal matters, court appearances, housing, and children.
   - Consider (sick, annual, shared, leave, compensatory time, or leave without pay), especially if requests are for relatively short periods.
**Time Off Options – Without Pay**

- Offer an option for unpaid time off without taking a formal unpaid leave of absence of up to three weeks (15 days). This can be taken in either a three-week block of time or spread out over several weeks.
- If an employee cannot establish a definite return to work date and requires more than three weeks of time off, a specific leave of absence may be considered.

**C. Procedures for Employees with Performance Issues Related to Domestic Violence**

1. While the employer retains the right to discipline employees for cause, [COMPANY NAME] recognizes that victims of domestic violence may have performance or conduct problems such as chronic absenteeism or inability to concentrate as a result of domestic violence. When an employee subject to discipline confides that the job performance or conduct problem is caused by domestic violence, a referral for appropriate assistance should be offered to the employee.

2. The manager, in collaboration with the employee, Employee Assistance counselor, and Human Resource representative [and union representative, where employee is represented] should allow a reasonable amount of time for the employee to obtain assistance regarding the domestic violence. Managers should be mindful that the effects of domestic violence can be severe and may take extended periods of time to address fully.

**D. Disciplinary Procedures for Employees who Commit Acts or Threats of Domestic Violence**

1. [COMPANY NAME] is committed to providing a workplace in which the perpetration of domestic violence and stalking are neither tolerated nor excused. Any physical assault of threat or stalking behavior made by an employee while on [COMPANY NAME] premises, during working hours, or at a [COMPANY NAME] sponsored social event is a serious violation of [COMPANY NAME] policy. This policy applies not only to acts against other employees, but to acts against all other persons, including intimate partners. Employees found to have violated this policy will be subject to corrective or disciplinary action, up to and including discharge.

2. [COMPANY NAME] will investigate all incidents of domestic violence, sexual assault and stalking where an employee is named as a defendant, whether a civil or criminal action, or if the employer has reason to believe an employee has committed such crimes, but no formal action has taken place.

3. Upon completion of the investigation and if the employer or supervisor reasonably believes such incidents did occur, the employee’s employment can be terminated. In the alternative, if the domestic violence offense is a misdemeanor, [COMPANY NAME] may:
a) require that the offender attend and successfully complete a batterer’s intervention program, approved by the Texas Department of Criminal Justice; and

b) explain to the offender that his/her continued employment is contingent upon not committing any new offenses; obeying all conditions of the protective order (if one exists), and successfully completing a batterer’s intervention program.

GUIDELINES REGARDING ASSISTANCE FOR SURVIVORS AND PERPETRATORS OF DOMESTIC VIOLENCE

A. General Guidelines

1. The following information is provided to help employees of [COMPANY NAME] who are survivors of domestic violence obtain the services they desire and to enhance the safety of [COMPANY NAME] workplaces.

2. Victim safety is the primary goal of this policy, with offender accountability and treatment as important components. It is expected that all employees will abide by the laws of this and any jurisdiction in which they might find themselves, including the laws prohibiting domestic violence, sexual assault and stalking crimes, whether committed in the home, at work or any other location.

3. [COMPANY NAME] seeks to create a supportive workplace environment in which employees feel comfortable discussing domestic violence and seeking assistance for domestic violence concerns. If an employee discloses that they are a survivor of domestic violence, it is important to send the following messages and avoid victim blaming:

   • You are not alone.
   • You are not to blame.
   • There is help available.
   • You do not deserve to be treated this way.

4. If a supervisor believes that an employee is in an abusive relationship, but the employee has not disclosed this to their supervisor, the supervisor should address any job performance issues and refer the employee to the Employee Assistance Program and/or community resources.

5. Recognizing the absence of services and support for survivors of domestic violence and that a survivor of domestic violence may face threats of violence or death when they attempt to end a violent relationship, supervisors will make efforts to provide a nonjudgmental and
supportive environment for the employee which is not dependent on the employee’s decisions regarding the relationship.

6. Successful workplace intervention may consist of providing the employee with a nonjudgmental place to discuss the violence, information to begin accessing resources in the community, or assisting the employee to formulate a plan to increase the employee’s safety; whether or not she/he is planning on leaving the offender. Arrangements should be made for a victim advocate or counselor to complete a more thorough Safety Plan, at the victim’s convenience.

7. It is important that all employees know how best to respond to the effects of domestic violence on the workplace and its seriousness. The following clarifies the role for all staff:

**a. Managers/Supervisors**

1. Participate in domestic violence/sexual assault training as provided.

2. Be aware of physical or behavioral changes in employees and consult with your Human Resources Department/Employee Assistance Program/supervisor for advice. Your role is not to diagnose or counsel the employee, but to refer the employee to appropriate resources. The following behaviors may be associated with domestic violence: chronic absenteeism, inappropriate/excessive clothing, obsession with time, repeated physical injuries, chronic health problems (e.g. chronic pain), isolation, emotional distress, depression, distraction, and excessive number of personal phone calls.

3. Managers/Supervisors must be respectful of employees’ personal choice. If the manager or supervisor observes the signs of violence, it is appropriate to convey concern regarding signs and to educate the employee regarding resources available. It is critical that the manager/supervisor respect the employee’s privacy and not pressure the employee to disclose any personal information.

4. Be responsive when an employee who is either the survivor or the perpetrator of domestic violence asks for help. Immediately contact your Human Resources/Employee Assistance Program/Security professional/Health professional for assistance.

5. Maintain the confidentiality of domestic violence circumstances and any other referrals under this policy to the extent permitted by law. Inform other employees of the domestic violence circumstances on a need to know basis only. Wherever possible, give advance notice to the employee who is
experiencing domestic violence if you need to inform others about the domestic violence situation.

6. Work with the victim, Human Resources, the Employee Assistance Program, the Legal Department, available Security staff, law enforcement, the health professionals, and community domestic violence programs, if necessary, to assist the victim to develop a personal workplace safety plan and make reasonable accommodation of that plan. When assisting an employee to develop a personal workplace safety plan, ask what changes, if any could be made at their workplace to make them feel safer. Survivors of domestic violence know their abusers better than anyone else does. When it comes to their own safety, offer to assist them in developing a personal workplace safety plan, but allow them to decide what goes in the final plan. However, if it is determined that other employees or patients are at risk, it is essential to take measures to provide protection for them. Be sensitive to the seriousness of the situation.

7. If possible, the supervisor will make efforts to adjust the survivor/employee’s work schedule and/or grant leave [sick, annual, shared, leave, compensatory time, or leave without pay] 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. [E.g., make alternative arrangements for receiving their paycheck]. Be sure to follow all applicable personnel policies and procedures, [union contract provisions] and statutes. This approved leave should not be held against the employee.

8. The employee should maintain communication with their manager during their absence and make special arrangements to receive their paycheck. The employer should maintain the confidentiality of the employee’s whereabouts.

9. Work with Human Resource managers [and union representatives, if applicable,] to relocate employee to an alternate worksite or make a temporary assignment, whenever feasible, if the employee requests to relocate for safety reasons. If relocation or reassignment is offered, it should not produce any reduction in pay, status, or benefits.

10. Review the safety of parking arrangements. Make sure that parking areas are well lit. Provide security escorts to parked cars and priority parking near the building entrance for employees who fear an attack at work.

11. With Human Resources or Communication Department approval, post information about domestic violence in your work area. Also, have information
available where employees can obtain it without having to request it or be seen removing it. Some suggestions are restrooms, lunchrooms, health and/or first aid offices, or where other employee resource information is located.

12. Comply with all civil protective orders. If both the victim and offender in a civil protective order are employees of [COMPANY NAME], managers must work with Human Resources, the Legal Department, Employee Assistance counselors, health professionals, and Security to ensure that the offender is relocated to a workplace in which the offender will have no contact with the victim. If you observe violations of protective orders, such as the offender coming into contact with the victim but not engaging in threatening or violent behavior, document these violations and contact the Legal Department. However, if the protective order violations constitute a threat, act of violence or harassment call the police immediately.

13. Respect the employee’s boundaries and privacy, even if you disagree with the decisions she/he is making regarding the relationship. A survivor of domestic violence may make numerous attempts to leave before she/he is finally able to leave her/his batterer. It is often difficult to leave because of financial and childcare responsibilities, or threats of violence.

14. After consultation with Human Resources and legal counsel, take any appropriate corrective or disciplinary action consistent with policy and procedure [and collective bargaining agreements], up to and including termination, against employees who commit acts of domestic violence, sexual assault or stalking at [COMPANY NAME] worksites as outlined in the policy or who are convicted of a crime as a result of domestic violence, sexual assault or stalking when such action affects the work performance of the employee or affects the normal operation of [COMPANY NAME].

15. Inform subordinates on a periodic basis about the employer’s policy and procedures on encouraging work environments free from violence, threats and harassment.

b. Human Resource Professionals

1. Participate in domestic violence/sexual assault training as provided.

2. Furnish the toll-free number of the National Domestic Violence Hotline @ 800/799-SAFE or 800/787-3224 (TTY) to victims of domestic violence. The Employee Assistance Program and the Human Resources Department have a complete listing of local services that are available to victims and offenders.
3. Be a resource to employees, managers, and supervisors in addressing domestic violence situations.

4. Work with survivors, Security staff, the Legal Department, [union representatives,] health professionals, law enforcement, and community domestic violence programs, if necessary, to develop a personal workplace safety plan to minimize the risk to the victim, other employees, and patients.

5. Work with supervisors, managers [and union representatives] to grant leave, adjust work schedules, or provide, if needed, temporary reassignment or worksite relocation for employees who are survivors of domestic violence.

6. Maintain the confidentiality of domestic violence circumstances and any other referrals under this policy to the extent permitted by law.

7. Consult legal counsel and advise supervisors and managers in considering corrective or disciplinary action against employees who commit acts of domestic violence, sexual assault or stalking at [COMPANY NAME] worksites as outlined in the policy or who are convicted of a crime as a result of domestic violence, sexual assault or stalking.

8. Work with the survivor, the manager, the Employee Assistance Program, the Legal Department, [union representatives] the health professionals, available Security staff, law enforcement, and community domestic violence programs, if necessary to develop a personal workplace safety plan for the victim. When assisting an employee to develop a workplace safety plan, ask what changes, if any could be made at the workplace to make her/him feel safer. Survivors of domestic violence know their abusers better than anyone else does. When it comes to her/his own safety, offer to assist them in developing a workplace safety plan, but allow them to decide what goes in the final plan. If it is determined that other employees or patients are at risk, it is essential to take measures to provide protection for them.

c. Employee Assistance Professionals

1. Participate in domestic violence/sexual assault training as provided.

2. Train staff on how to identify warning signs of potential violence in both the survivor and the offender, and on how to intervene most effectively.
3. Maintain up-to-date referral resources on domestic violence hotlines, advocacy groups, shelters, counseling services, and legal services (pro bono legal assistance and domestic violence/family court information), as well as resources for perpetrators, including a batterer’s intervention program approved by the Texas Department of Criminal Justice. At a minimum the following should be included: National Domestic Violence Hotline @ 800/799-SAFE and 800/787-3224 (TTY); SafePlace (Austin) 928-9070; Williamson County Crisis Center (Round Rock) 800/460-7233; Family Crisis Center (Marble Falls) 800/66-HELP-4; Family Crisis Center (Bastrop) 888/311-7755; Hays-Caldwell Women’s Center (San Marcos) 800/700-4292; Child and Family Services (Austin-area batterer’s intervention program) 625-1230; and Women’s Advocacy Project Family Violence Legal Line 800/374-HOPE. As the contact information for these resources changes frequently, it is important to verify the referral information at least quarterly.

4. Provide education on domestic violence through existing or new channels such as lunchtime seminars, newsletters, posters, pamphlets, and employee and management trainings.

5. Educate the employer about the Employee Assistance Program’s ability to intervene in domestic violence situations. Inform management of the need to call the Employee Assistance counselor to consult about any domestic violence, sexual assault or stalking situations that they become aware of, including concerns about either survivors or perpetrators.

6. Work with survivors, Human Resource professionals, Security staff, the Legal Department, [union representatives.] health professionals, law enforcement and community domestic violence programs to develop a personal workplace safety plan to minimize the risk to the victim, other employees, and patients.

7. Maintain strictest confidentiality and respect the survivor’s need to be self-directing. When appropriate, with the survivor’s written permission, provide advice and consultation to supervisors with respect to issues of domestic violence in the workplace in order to achieve workplace cooperation regarding leave of absence, fair consideration of any performance or conduct problems directly related to the violence, safety needs, disciplinary actions towards a perpetrator who works with a survivor and abuses that person in the workplace, and access to any other needed services. Discuss with Human Resources any personnel policy, which may negatively affect survivors.

8. Establish a relationship with domestic violence service agencies in the community, sharing information and resources. One method of establishing a
working relationship with a community organization would be to ask their staff to participate in workplace educational events on domestic violence.

d. Health Professionals

1. Participate in domestic violence/sexual assault training as provided.

2. Furnish the toll-free numbers of the National Domestic Violence Hotline @ 800/799-SAFE or 800/787-3224 (TTY) to victims of domestic violence. The Employee Assistance Program and the Human Resources Department have a complete listing of local services that are available to victims and offenders.

3. Be a resource to employees, managers, and supervisors in addressing domestic violence situations.

4. Work with survivors, Security staff, Human Resource professionals, the Employee Assistance Program, the Legal Department, [union representatives,] law enforcement, and community domestic violence programs, if necessary, to develop a personal workplace safety plan to minimize the risk of the victim, other employees, and patients.

5. Work with supervisors, managers [and union representatives] to grant leave, adjust work schedules, and provide, if needed, temporary reassignment or worksite relocation for employees who are survivors of domestic violence.

6. Maintain the confidentiality of domestic violence circumstances and any other referrals under this policy to the extent permitted by law.

7. Screen for domestic violence all females seen for injury, chronic health problems, sonatic complaints, pregnancy-related issues, mental health problems, or substance abuse. Screen in a confidential setting. Use questions that are direct, specific and easy to understand, e.g. “Because violence is so common in many people’s lives, I’ve begun to ask all my patients about it routinely. Are you in a relationship with a person who physically hurts or threatens you?” Screen verbally in addition to any written questionnaire forms used. When unable to converse fluently in the employee’s primary language – do not use the employee’s family or friends as translators when asking about domestic violence. Document that screening for domestic violence was done.

8. With Human Resources or Communication Department approval, post information about domestic violence in your work area. Also, have information available where employees can obtain it without having to request it or be seen
removing it. Some suggestions are restrooms, lunchrooms, health and/or first aid offices, or where other employee resource information or health related materials are located.

e. Security Services

1. Participate in domestic violence/sexual assault training as provided.

2. Provide consultation and reasonable assistance to employees experiencing domestic violence or stalking.

3. Facilitate law enforcement intervention during the violations of protective orders and document the violations.

4. Respond and intervene, as needed, to calls concerning safety in the workplace.

5. Accept transferred harassing telephone calls from the employee’s abuser or stalker, and document the calls.

6. Work closely with appropriate law enforcement agencies to ensure workplace safety.

7. Keep a certified copy of any protective orders and/or photographs provided by the employee to Security Services in a confidential file. Access to orders and information contained in them should be limited on a need to know basis.

8. Provide escorts to parked cars and priority parking near the building entrance for employees who fear an attack at work.

9. Work with survivors, Human Resources professionals, the Employee Assistance Program, health professionals, the Legal Department, [union representatives,] law enforcement, and community domestic violence programs, if necessary, to develop a personal workplace safety plan to minimize the risk to the victim, other employees, and patients.

f. Options for Employees Who Are Survivors of Domestic Violence

1. Talk with a trusted coworker, supervisor, [union representative,] or manager about your situation.

2. Contact your nearest Employee Assistance Program office: [list phone number].
3. Contact the National Domestic Violence Hotline @ 800/799-SAFE or 800/787-3224 (TTY). The Employee Assistance Program and the Human Resources Department have a complete listing of local services that are available to victims of domestic violence.

4. Call the local police department if you are in immediate danger.

5. Notify your supervisor of the possible need to be absent and explore your leave options. Be clear about your plan to return to work and maintain communications with your supervisor during your absence. If necessary and available, make alternative arrangements for receiving your paycheck.

6. If you are concerned about your safety at work, submit a recent photograph of the abuser to Security and the reception area. If you have a protective order, provide a copy to your supervisor, the Legal Department, Security, the police department, the reception area, etc. This assists your employer in identifying the abuser should he/she appear in the workplace.

7. Work with your supervisor, Human Resources manager, Security staff, Employee Assistance Program manager, health professional, [or union representative] to develop a safety plan.

8. Obtain assistance for and documentation of any physical and/or mental health consequences of the abuse (including old injuries) from your workplace health professional and/or your primary care provider.

**g. Options for Employees Who Are Perpetrators of Domestic Violence**

1. Contact the nearest Employee Assistance Program office for confidential consultation and resources.

2. Contact a batterer’s intervention program approved by the Texas Department of Criminal Justice. The Employee Assistance Program and has a complete list of local programs.

**h. Options for Other Employees Who Have Concerns About Domestic Violence**

1. If you know or believe that a coworker is a victim of domestic violence, communicate your concern for her or his safety. Be clear that your role is to help and not to judge, regardless of whether or not she/he is planning on leaving the offender.
2. Refer the employee to the Employee Assistance Program, a local domestic violence agency, or the National Domestic Violence Hotline at 800/799-SAFE or 800/787-3224 (TTY). (The Employee Assistance Program and has a complete list or area referrals.) Maintain the confidentiality of the domestic violence circumstances and any other referrals under this policy to the extent permitted by law. Discuss the employee’s situation with employee assistance counselors, human resources, or a local domestic violence program for further guidance.

3. Report any threats of violence that you experience or witness to your supervisor, Human Resources, Security, or the Employee Assistance Program.

4. Volunteer at a local domestic violence shelter or organize a workplace drive for domestic violence shelters in your community.

VI. RATIONALE

By taking a responsible approach toward victims and offenders of domestic violence with [COMPANY NAME], we are engaged in practices all employers should model. Not only do such polices increase victim safety and offender accountability, but they help [COMPANY NAME] avoid liability for failing to intervene appropriately and to provide a safe work environment.