

Workplace Policy

Where Do I Start?

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- Developing Guidelines
- Training Employees
- Approaching Victims of Violence
- DV Checklist: Threat Assessment
- Implementing Safety Procedures
- Generating Awareness
- The Role of the Union
- DV Policy Links
- Generic DV Policy Sample
- Atria Group, Inc. Policy
- Liz Claiborne DV Policy
- Mintz Levin DV Policy

Have an attorney review all of your policies, procedures and guidelines. Remember - a bad policy is worse than no policy.

Be very careful with zero-tolerance policies. If not written properly, they may create additional legal liability. If you choose to have one, make sure it is flexible and allows for discretion in handling varying situations.

This Web site is provided as an informational resource only and is not intended to be legal or professional advice. If you have questions about the application of issues raised to your particular situation, seek the advice of a competent attorney or other professional.

Developing Guidelines

The following are considered basic requirements for a comprehensive and effective domestic violence policy.

Confidentiality

Anti-violence policies work best when there is also a general policy of confidentiality. Letting a victim of violence know that her confidentiality will be maintained to the extent possible underscores your staff's respect for her view of the situation and how it should be handled.

Anti-Discrimination

An effective policy should state that the company will not discriminate or retaliate against employees because they are or are perceived to be victims of domestic violence, sexual assault, or stalking.

Absences

Victims of violence need time off for various valid purposes. Review your company's medical leave and disability leave policies to ensure that nothing restricts supervisors from flexibly accommodating your employees' needs. Personal and discretionary leave policies should allow employees to waive advance notice requirements in emergency situations.

Relocation

An employee may request a change in work shift or location to prevent contact with the abuser or further incidents of violence. Encourage your supervisors to accommodate a woman's requests for relocation whenever possible.

Investigation of Complaints of Sexual and Physical Violence by Employees

When the alleged assailant is a fellow employee, a thorough investigation is critical. The investigator should be neutral and even-handed, should keep records, and should speak to all employees who may have information about the incident.

Obtaining Protection Orders

Obtaining a civil protection order does not usually require a lawyer; however, it is helpful for someone familiar with the procedure to walk the employee through the process.

Since women are in the best position to judge their own safety, particularly in domestic violence or stalking cases in which they know the batterer's or stalker's pattern of abuse, it is essential that employees be the sole judge of whether or not to obtain a protective order. Employers should not pressure or require women who are battered to obtain a protective order or to disclose whether they have obtained such an order, though it is recommended that the employee advise her employer so that measures to keep her safe may be put in place.

Some states have enacted laws that permit an employer to obtain a restraining order on behalf of an employee who has suffered unlawful violence or a credible threat of violence.ⁱ Such corporate restraining orders are preferred by some women, because they can help keep batterers and stalkers out of the workplace without requiring the woman to confront the harasser or stalker in court.ⁱⁱ

- i. See, e.g., Cal. Code Civ. Proc. § 527.8 (Deering 1999). Notably, the statute makes explicit that obtaining a corporate protective order does not expand an employer's duty to provide a safe workplace, so that an employer's failure to obtain a corporate restraining order alone will not impose liability.
- ii. See Eve F. Sheedy, Esq., "There Ought to Be a Law: Corporate Restraining Orders," Sojourn News (Spring 1995)