

Domestic Violence and the Workplace: What HR Needs to Know



By Paula Santonocito

Meghan, a woman in her 20s, briefly dated coworker Craig, a man in his 40s. After she ended the relationship, he continued to seek her out at work. One night he showed up at her apartment, where she lived alone, and asked if he could come in to talk. She let him in and he stabbed her to death.

The names have been changed but the other details of the story are true. And while this tragedy is technically not a case of workplace violence, it certainly raised questions for the employer. Could the company have prevented Meghan's death? Should management have known Craig was dangerous?

When an employee dies, coworkers grieve and the organization feels the loss. When an employee is murdered, coworkers may experience a wide range of emotions, including anger and fear. Guilt is also common, as in "we should have known" or "we should have done more."

HR professionals in particular may feel as if they could have been more proactive.

Defining Workplace Violence

But where does HR's responsibility begin and end with regard to workplace violence?

To answer this question, it helps to define workplace violence.

One definition reads: "Workplace violence refers to violence that originates from employees or employers and threatens employers and/or other employees."

Accepting this definition, however, means that the tragedy at Sandy Hook Elementary School in Newtown, Conn., where six employees died, cannot be classified as an incident of workplace violence. Families, friends, and coworkers of the victims would surely disagree.

The Ministry of Labour offers a broader definition. It cites the Occupational Health and Safety Act, which defines workplace violence as "the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker."

The Act defines workplace as “any land, premises, location or thing at, upon, in or near which a worker works.” What does this include?

According to the Ministry of Labour, “The test is: Is the worker being directed and paid to be there or to be near there? If the answer is ‘yes,’ then it is a workplace.”

Under these guidelines, a tragedy like the one that occurred in Newtown would be classified as workplace violence.

Yet, despite these broader guidelines, HR still may not know if and when to intercede, especially in matters where personal relationships are involved.

Domestic Violence Facts

HR professionals often find it uncomfortable to cross the line into employees’ personal lives, as evidenced by the fact that most companies do not have workplace dating policies. Yet, sometimes choosing to get involved may mean the difference between life and death.

With this in mind, it’s important to understand domestic violence and its far-reaching potential consequences.

Domestic violence affects men as well as women. Nevertheless, when family violence does occur, the victims are overwhelmingly female. The Canadian Women’s Foundation reports:

- 83 percent of all police-reported domestic assaults are against women. This pattern is consistent for every province and territory across Canada.
- In spousal violence, three times as many women experience serious violence such as choking, beating, being threatened with a knife or gun, and sexual violence. Women are more likely to be physically injured, to get a restraining order, and to fear for their lives.
- For the past 30 years in Canada, women are three to four times as likely to be killed by their spouse.
- More than 80 percent of victims of dating violence are female.
- Almost 60 percent of all dating violence happens after the woman has broken off the relationship
- On average, every six days a woman in Canada is killed by her intimate partner.
- On any given day in Canada, more than 3,000 women (along with their 2,500 children) are living in an emergency shelter to escape domestic violence.
- Each year, more than 40,000 arrests result from domestic violence—that’s about 12 percent of all violent crime in Canada. Since only 22 percent of all incidents are reported to the police, the real number is much higher.

Domestic violence impacts affected employees and therefore impacts the workplace. At a basic level, it has the potential to impact worker productivity, which is cause enough for concern.

But domestic violence may also cross over to the workplace if a partner or former partner inflicts fear or threatens violence when an employee is on the job.

Abusive behavior may include harassing phone calls, emails or text messages, and stalking.

HR's Role

So, what should HR do?

- Educate managers about domestic violence and its prevalence.
- Encourage managers to recognize warning signs. These include fractured/broken bones, bruises, and other injuries, as well as changes in employee behavior.
- Ask managers to be vigilant should they suspect an employee is involved in a domestic violence situation. Note excessive phone calls the employee might receive, particularly if the conversations appear to upset the employee, and be on the lookout for a partner or former partner who might be stalking the employee.
- Request that any potentially threatening situations be reported in confidence to HR.
- Evaluate the situation and, if necessary, meet with the employee and manager and express concern and support.
- What shouldn't HR do?
- Do not make assumptions. Allow the employee to share whatever she or he chooses.
- Do not give the employee advice. Instead, suggest that s/he speak to a professional. If the organization utilizes the services of an Employee Assistance Program (EAP), provide the employee with contact information.
- Do not insist that the employee call the police or indicate that the organization will call the police. People in abusive relationships are often fearful that contacting the police will result in increased violence, and unfortunately this is sometimes the case. Of course an employer should intervene and call the police when there is imminent danger.
- Do not suggest that the employee's job is in jeopardy. The conversation should focus on concern for the employee's health and well-being.

This strategy applies to a situation involving an employee who is or was involved with a person who does not work for the organization – and it applies to a situation where two employees may have been in a relationship.

In a situation where two employees are involved, the focus should be on the employee who is being abused. The decision to speak with the abuser should be made carefully and must be done in the context of work performance and workplace behavior. If in doubt about how to proceed, seek assistance from an EAP, local agency or counselor specializing in domestic violence.

Redefining Workplace Violence

Finally, it's important to realize that attempting to draw a line in the sand regarding what is and what isn't a workplace issue may be difficult. When people work together, they spend a great deal of time with one another. Under the best circumstances coworkers become friends, and friends care about and want to help one another.

Accordingly, it may be time for HR to consider a new definition of workplace violence, such as the one from the U.S. Department of Labor's Occupational Health & Safety Administration: "Workplace violence is violence or the threat of violence against workers. It can occur at or outside the workplace and can range from threats and verbal abuse to physical assaults and homicide, one of the leading causes of job-related deaths."

This definition would allow Meghan's death to be considered job-related, which in many ways it was.