Domestic Violence: The 8 Things to Include in Your Workplace Domestic Violence Policy



$78 Million
Costs of domestic violence to Canadian employers in productivity and other losses each year, according to the federal Justice Department

What's At Stake

You know that domestic violence is a big problem for society. But you may not realize that it's also a drag on business, including yours if any of your employees are victims of it. Another reason domestic violence is an employer problem is that it sometimes spills over into the workplace threatening not just abuse victims but their innocent and unknowing co-workers.

Real-Life Victims

Tony McNaughton: A knife-wielding man bursts into the Starbucks where his estranged ex-wife works and demands to speak to her. McNaughton, the 39-year-old shop manager bars his way and urges the employee to run. She gets out but McNaughton is stabbed to death.

Lori Dupont: The 37-year-old nurse was murdered at work by her ex-boyfriend, a doctor at the hospital. Despite knowing about the doctor's erratic behaviour and threats against Dupont, hospital administrators scheduled them to work together.

Employer Liability for Domestic Violence in the Workplace

The law doesn't hold you responsible for protecting your employees from domestic violence; it holds you responsible for protecting them from domestic violence *while they're in the workplace*.

THE RULE

If an employer is aware or should be aware that a worker is at risk of domestic violence in the workplace, it must take every reasonable precaution to protect the worker and others in danger.

Implementing a workplace domestic violence policy is the key to managing this liability. That rule comes from Ontario Bill 168, Canada's first workplace domestic

violence law which was inspired by the Dupont murder. In addition to Ontario, Alberta and New Brunswick have expressly extended employer OHS workplace violence duties to domestic violence in the workplace. And even in jurisdictions where the duty isn't spelled out, it's implied. Thus, for example, WorkSafeBC guidelines state that employers aware of threats to workers or their families must "notify the worker [and] the police or similar authority responsible for protecting public safety."

What Is a Workplace Domestic Violence Policy

By workplace domestic violence policy we don't mean a Code of Conduct or disciplinary policy banning employees from engaging in domestic violence. Although that kind of prohibition is necessary, the policy we're talking about is more of a safety policy designed to not only prevent attacks in the workplace but also protect, assist and support employees threatened with domestic violence by spouses, significant others, family members, etc.

There are 2 policy approaches:

- Incorporate domestic violence provisions into your current workplace violence prevention (WPV) policy and program; or
- Create a freestanding workplace domestic violence policy that coordinates and refers to your general WPV policy/program.

8 Key Provisions to Include in a Domestic Violence Leave Policy

Regardless of which approach you use, there are 8 things to include in your workplace domestic violence policy (Click here for a Model Policy that you can adapt.)

1. **Policy Statement**

Don't simply say your organization condemns domestic violence. Express its commitment to protect and help any employees who fall victim to threats and acts of domestic violence [Policy, Sec. 1].

2. **Definition of Domestic Violence**

Provide a clear and specific definition of domestic violence, who can commit it and where it can happen [Policy, Secs. 3 to 5].

3. **Safety Measures**

While the psychological dynamic is different, physically, preventing domestic violence is just like preventing other forms of workplace violence. So, indicate that you'll apply the measures in your WPV policy and program to prevent and respond to acts and threats of domestic violence, including:

- The mechanism for summoning help;
- The procedures for responding to threats and acts of violence; and
- The procedures for reporting and investigating threats and acts of violence.

[Policy, Secs. 6.1 to 6.2]

4. **Safety Plans**

In addition to bringing WPV measures to bear, indicate your willingness to create a safety plan to protect employees threatened with domestic violence, including via accommodations in work hours, work locations, phone directory listings, parking arrangements, etc. [Policy, Sec. 6.3]

5. **Protective Orders**

Another important security measure is to work with the victim and law enforcement to ensure enforcement of court issued protective or restraining orders, provided that the order names the organization's worksite or facility as a protected area and the victim provides you:

- A copy of the order;
- A photograph or physical description of the person named in the order;
- A description of his/her car and license plate number; and
- Any other relevant information you need to ensure the order is enforced at the workplace.

[Policy, Sec. 6.4]

6. **Education & Training**

Say that you'll provide awareness training on domestic violence and its impact on the workplace as part of the general employee training on workplace violence hazards and dealing with them under your WPV program [Policy, Sec. 7].

7. **Assistance & Support**

Perhaps the most important part of the policy are the provisions for assisting and supporting domestic violence victims. At a minimum, support should include:

- Unpaid leave for domestic violence in accordance with your jurisdiction's employment standards laws [Policy, Sec. 8.1];
- Assistance and counseling, either direct or via referral to outside professionals [Policy, Sec. 8.2]; and
- Accommodations in job performance reviews in recognition of the debilitating and distracting effects of domestic violence on victims and job performance [Policy, Sec. 8.3].

Additional support measures to consider include designation of a Women's Advocate to whom female employees can report threats and information about their domestic situation. Although women aren't always the victim of domestic violence, they are most of the time and best practice shows that women are more comfortable seeking help from another woman [Policy, Sec. 8.4].

8. **Confidentiality**

Another unique aspect of domestic violence is the sensitivity of the subject matter. Accordingly, leave policy should include assurances that you'll keep personal records generated by complaints, processing of safety plans and domestic violence leave requests, etc. confidential and not disclose them except as authorized or required by law [Policy, Sec. 9].