

Protection Order Guide

Protection Orders may bar an alleged perpetrator of violence from a work site, or require two co-workers to stay away from each other. This guide provides strategies to support employees who need protection from violence.

What is the impact of Protection Orders on workplaces?

- Taking action to protect and separate themselves from their abuser places a survivor of domestic violence, sexual violence, and stalking at heightened risk for escalated violence, retaliation, and lethality.
- An employee who has obtained – or is considering obtaining – a Protection Order may become increasingly distracted or absent from work because of their personal safety concerns. Furthermore, obtaining and enforcing a Protection Order may necessitate several court visits that require the employee to be absent from work. A supportive and respectful approach towards an employee seeking protection from violence is critical in ensuring the safety and security of the employee, co-workers, and the entire workplace.
- A Protection Order may include a “stay-away” provision requiring that the parties maintain a certain distance away from each other, or may specifically prohibit the alleged perpetrator of violence from entering the workplace. Such provisions are particularly complicated when the parties to a Protection Order are co-workers. It is imperative to consult with an employee experiencing violence and develop a joint safety plan that comports with their unique needs.
- In some cases, employers may learn of information that leads them to consider asking an employee to obtain a Protection Order, or may prompt an employer to obtain its own Protection Order. However, taking any action without consulting or obtaining the consent of an employee experiencing violence may expose the employee to heightened danger.

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How much time away from work would an employee need to obtain a Protection Order?

To obtain and enforce a Protection Order, a person experiencing violence or threats (known as the Petitioner) must complete the following general steps, which may vary by jurisdiction:

- Complete intake forms, file an initial petition and then wait to see a judge. In many cases, this first step can take a full day to complete.
- Return to court for a hearing after an alleged perpetrator of violence or threats (known as the Respondent) has been given notice of the requested Protection Order.
- If a Respondent cannot be reached with notice of the proceeding, the court might need to reschedule the hearing (sometimes more than once), which may require a Petitioner to return to court.
- If a Respondent violates a Protection Order, the Petitioner may have to return to court to file a Motion for Contempt or testify in a criminal proceeding (if the violation was a crime under the jurisdiction's law). A Petitioner might need to return more than once to enforce other requirements of an order, such as payment of child support.
- If a Protection Order is about to expire and the violence or threats have not ceased, a Petitioner might need to appear at a hearing to ask for an extension of the order.

NOTE: Courts are typically open only during normal business hours, and the amount of time away from work will depend on the facts of the particular case as well as the court's workload.

What are an employer's responsibilities once an employee obtains a Protection Order?

An employer has a vital role to play upon learning that an employee has obtained a Protection Order due to domestic violence, sexual violence, or stalking. If an employee chooses to share this information, a supportive response is critical to enhancing their safety and security, including:

- **Listen:** Allow the employee to confidentially express themselves and disclose information about their situation only to the extent in which they are comfortable.

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- Express concern: Let the employee know that their situation is of concern and that their employer stands ready to help enhance their safety.
- Ask how the employer can help: Allow the employee to express their needs and collaborate in the development of action that the employer might take.
- Discuss options that may assist the employee: Options may include offering time off or a reasonable workplace accommodation like relocating a work station to a safer area.
- Respect the employee's personal choices: The employee may decline assistance or make a decision that is different from what an employer might expect. It is vital to respect their decisions because every case is unique with different circumstances and needs.

An employer may consider the following accommodations to enhance the safety of an employee who have obtained a Protection Order.

Adjusting Job Duties

Discuss with the employee whether the Protection Order may affect or limit the completion of job duties in any way, or if the violence or threats they're experiencing necessitates a temporary or permanent revision of job duties. Examples include:

- A greeter or receptionist at a retail business, restaurant, or office might need to be reassigned to other duties in a non-public area of the establishment.
- An employee who works at a desk might need a new phone extension, or all of their calls routed into a voicemail system.

Safety and Security

Take additional precautions to protect the employee's privacy, such as securing access to their address and other contact information. The employee may need additional accommodations to enhance their safety while at work. Examples include:

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- Relocating the employee's work station.
- Arranging for an escort to walk the employee to their vehicle.
- Accommodating telecommuting or other schedule changes, such as fluctuating work hours.

Information Collection/Documentation

Discuss with the employee whether the employer should help document inappropriate contact, such as harassing calls, e-mails, and job site visits. Such documentation may be useful in establishing that an alleged perpetrator has violated a Protection Order. Also, an employer may consider confidentially documenting that the employee is exhibiting bruises or other forms of abuse.

Safety Planning

Employers should encourage employees to speak with professionals who are trained in the dynamic process of safety planning. An on-going safety planning process may help the employee identify ways that the employer can help enhance their safety.

NOTE: Computer use restrictions may be a safety risk for employees experiencing violence who may be unable to safely use a home computer to seek resources or assist with safety planning. Consider permitting employees experiencing violence to utilize company equipment, either during or off work time, to assist in safety planning.

Referral and Resources

Human Resources or designated staff should maintain a list of local and national resources to offer to employees experiencing violence.

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What if an employer thinks an employee or the workplace should have a Protection Order?

Some jurisdictions permit an employer to petition for a Protection Order against someone who poses a threat to a workplace. Other jurisdictions permit an employer to petition for a Protection Order on behalf of an employee whether or not the employee has requested the order.

If an employer is considering taking their own action, it is critical to keep the employee experiencing violence involved in all decisions. Moving ahead without regard to their wishes could pose a serious safety risk for the employee and potentially their co-workers.

What should an employer do if an employee obtains a Protection Order against another employee?

An Employer Policy on Domestic Violence, Sexual Violence, Dating Violence and Stalking should in a provision on how to respond when an employee is alleged to be a perpetrator of violence in the workplace. Nevertheless, each situation will require an individualized response that should consider:

- The feasibility of the safe separation of the parties to different job site locations.
- Evidence that the alleged perpetrator has used company time, materials or resources to abuse, harass, or stalk.
- Whether the alleged perpetrator violated any other policy, such as a Sexual Harassment Policy.
- Signs that the alleged perpetrator's work product is suffering.
- The impact of the situation on other co-workers, including their comfort with the alleged perpetrators continued presence in the workplace.

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Sample Resource for Employees

Sample information to share with an employee who has obtained a Protection Order or is experiencing violence.

If you have obtained a Protection Order against another person, or are experiencing violence in your life:

- **Talk with a Domestic or Sexual Violence Advocate/Counselor.** An advocate can help you sort things out and take measures to plan for your immediate and ongoing safety. You can obtain a list of referrals by talking with _____ (designated employee in HR or otherwise).
- **Inform our designated contact** about the order or the violence. _____ (designated staff person to serve as contact regarding violence). Otherwise, tell a trusted supervisor or colleague.
- **Consider obtaining a protection order** if you have not done so and if you believe that it will improve your safety. Discuss this with the Domestic or Sexual Violence Advocate.
- **Provide a copy** of the protection order to _____ (designated contact) or to your supervisor. Let them know what they can do to help you increase your safety at work.
- **Keep a copy** of the protection order with you at all times. If you drive, keep a copy in your car as well.
- **Discuss with us** what changes to your schedule, work location, or other matters might help increase your safety.
- **Ask us** about leave and accommodations to address matters related to the violence.
- **Save** all voicemails, emails, texts, or other contacts from a respondent that might be relevant in obtaining or enforcing your protection order or in other legal proceedings. To the extent possible, we will confidentially keep all communications about the violence that we may possess.
- **Evaluate** your whole day for safety risks, starting with your commute to work and including your commute home.
- **Continue to safety plan and re-evaluate your safety and risks** on a regular basis, in consultation with your professional domestic or sexual violence advocate. You may also wish to contact your state or tribal coalition against domestic violence by visiting <https://www.justice.gov/ovw/domestic-violence> and <https://www.justice.gov/ovw/tribal-communities>.
- **Know your rights.** Specific information about what your rights are in your specific jurisdiction can be obtained by contacting your state/tribal coalition or a local domestic violence organization. Consult an attorney to determine all of your options.
- **Court assistance with other matters.** Through a Protection Order, a judge may be able to require your abuser to turn over documents you need as well as order economic support and custody.

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