The Role of the Union
When Members Experience
Domestic Violence, Sexual Assault, Stalking

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What is Domestic Violence?

» A pattern of **COERCIVE BEHAVIOR**

» Intended to establish & maintain **POWER AND CONTROL** over one’s intimate partner

» Composed of many **TACTICS OF ABUSE**

» aka – “**Intimate Terrorism**”
The Impact of Domestic Violence

> 8,000 women experiencing DV:
  - averaged 7.2 days of lost work-related productivity
  - 33.9 days in productivity losses in non-work activities

> Another study found that among targets:
  - 98 percent had difficulty concentrating on work tasks
  - 96 percent had impaired job performance
  - 87 percent received harassing phone calls
  - 78 percent reported being late to work
  - 60 percent lost their jobs due to domestic abuse.
Unions: Domestic Violence IS a Workplace Issue

» Domestic violence (DV) is the leading cause of injury to women
» One out of every four women will be target of DV in their lives
» Problems of DV frequently spill into the workplace
» Employment is key to a DV target’s economic self-sufficiency
» U.S. General Accounting Office found that one-quarter to one-half of DV targets lost a job due, at least in part, to DV.

Executive Council Action Resolution
Statistics on LGBTQ and Domestic Violence

» Among LGBT survivors in 2010:

» 44.6% of those seeking shelter were turned away

» 54.4% seeking an order of protection were denied

» Only 7.1% called police for support (a decline from 21.7% in 2009)

NCAVP is a national coalition of local member programs, affiliate organizations and individuals who create systemic and social change. NCAVP is a program of the New York City Anti-Violence Project. NCAVP works to prevent, respond to, and end all forms of violence against and within lesbian, gay, bisexual, transgender, queer and HIV-affected (LGBTQH) communities.

Gender-Based Stalking

A course of conduct directed at a specific person that would cause a reasonable person to feel fear.

Stalking involves repeated and continued harassment made against the expressed wishes of another individual, which causes the targeted individual to feel emotional distress, including fear and apprehension.

Stalking behaviors may include: pursuing or following; non-consensual (unwanted) communication or contact - including face-to-face, telephone calls, voice messages, electronic messages, text messages, unwanted gifts, etc.; trespassing; and surveillance or other types of observation.
Sexual Assault

Sexual assault is any non-consensual, intentional physical contact of a sexual nature, such as unwelcome physical contact with a person’s genitals, buttocks, or breasts.

Sexual assault occurs when the act is committed by: a) physical force, violence, threat, or intimidation; b) ignoring the objections of another person; c) causing another’s intoxication or impairment through the use of alcohol or other drugs; and/or d) taking advantage of another person's incapacity, helplessness, or other inability to consent.
Workplace Impact

> Approx 36,500 rapes/sexual assaults annually; only 24% reported to police; 80% were women (NCVS)
> 8 million lost work days annually, the equivalent of 32,000 full-time jobs (CDC)
> Almost 50% of sexual assault survivors lost their jobs or were forced to quit in the aftermath of the assaults. (GAO survey)
> A 2009 study found that of the 79% of stalking targets who had a job, one in eight lost time from work; more than half lost five or more days from work. (DOJ)
Polling Question #1:

Do you know if any members of your union have been:

1) the victim of domestic violence, stalking, or sexual assault?

2) the perpetrator?

3) associated with someone who’s been affected?
Intersections of Workplace Violence

Bullying

Domestic Violence

Sexual Violence and Stalking

Violence

Discrimination
Comprehensive Union, Employer and Community Response
» Union Values
   > Mutual Aid
   > Job Protection
   > Social Justice

» Workplace Context
   > Awareness
   > Prevention and Intervention

» Cultural Context
   > Societal Beliefs
   > Attitudes & Myths
   > Social Change
Affected Players in a Comprehensive Workplace Response

» Targeted Worker
» Affected and/or Concerned Co-Worker
» Supervisor
» Union
» Human Resources
» EAP/MAP/LAP
» Legal
» Security
Union’s Concerns

» The target may be a member
» Perpetrator may be a member
» Affect on co-workers
» Safety of all
» Job Discipline
» Job Discharge
» Workplace Violence
» Duty of Fair Representation (DFR) Obligations
Worker/Union Member as Survivor:
Concerns in the Workplace

» Safety
» Job retention
» Employer assistance
» Time off or other changes
» Confidentiality
» Reputation/appearance
» Financial security
Co-Worker Concerns in the Workplace

» Safety and trauma
» Feeling obligated to assist target
» Working effectively
» Resentment
» Conflict: Might want to help but not meddle in someone else’s personal business
Impact on Co-workers

31% felt strongly to somewhat obligated to cover for target (e.g. do work or makes excuses to boss)

25% resented co-workers

59% reported “no resentment”

11% reported “minimal resentment”

38% were extremely to somewhat concerned for their own safety

32% believed co-worker target feared for his/her own safety. Such fears driven by abusers frequent visits to the office, which 30% reported

Source: Corporate Alliance Against Partner Violence: 1200 employed U.S. adults, 62% of respondents were female and 38% were male. Survey respondents were primarily Caucasian (80%), African-Americans (8%), Hispanic or Latino (3%).
Employer Response

www.workplacesrespond.org

> Nearly two in three corporate executives (63 percent) say that domestic violence is a major problem in our society and more than half (55 percent) cite its harmful impact on productivity in their companies, but only 13 percent of corporate executives think their companies should address domestic violence.

> More than 70 percent of United States workplaces do not have a formal program or policy that addresses workplace violence, let alone domestic violence. Programs or policies related to workplace violence are more prevalent among larger private establishments or governments.
How Can the Union Respond?
Addressing Workplace Effects of Violence

» Establish a team with relevant players (Union, management, LAP, MAP, security, medical)
» Offer training and raise awareness to create a supportive workplace culture
» Assess amend/existing policies and CBA agreements
» Develop relationships with local service providers and law enforcement
Culture of Awareness andResponsiveness

» Training of union officers, e-board members, stewards, managers and workers so that they:
  > learn to recognize potential warning signs and how to respond in the workplace
  > Understand they are NOT counselors – but refer to EAP, union and/or local service provider

» Raising awareness - of the issue and the policy
  > Provide workers with information about how violence can affect the workplace
  > Inform all about EAP, union and/or service providers

» Integration - messages are integrated into all aspects of union & work/life

» Non-retaliation - people can come forward to get help or report a situation without fear of job loss
» How should you respond in your role on the job?

Role Play and Case Study
How To Talk With Another Union Member/Worker

**Recognize:** Say What You See
- You seem pretty upset after that phone call.
- Let’s talk in a private place as I can see you are upset.

**Respond:** Express Concern
- I’m concerned about you.
- I am glad you felt comfortable enough to share this information with me.

**Respond:** Show Support
- If something is bothering you, you don’t have to deal with it alone.
- I don’t mean to pry but if something is making you upset you don’t have to solve it alone.

**Refer:** to a Help Source
- Here’s the number of a community resource that might be of help.
- Talking with EAP, MAP, or LAP is always an option. It’s confidential and no one needs to know.

- Excerpt from workplace awareness module, see www.workplacerespond.org
Union Member: I need to talk because I expect to get a bad evaluation and you know that’s a first for me.

Steward/LAP: What’s different?

Member: Well, it’s really personal and I just want you to know if I have to get more time off. And, please don’t tell anyone we spoke.

Steward/LAP: OK. But remember if you don’t tell me details, I can’t help you.

Member: Okay, I’ll think about it and let you know.

Steward/LAP: Does it have anything to do with the bruises I see over your eye. What? Did you walk into a wall or something?
Polling Question #2

What was missing from the exchange you just heard?

**Recognize**: Say What You See

**Respond**: Express Concern

**Respond**: Show Support

**Refer**: to a Help Source

Excerpt from workplace awareness module, see www.workplacerespond.org
Union Member: I need to talk because I expect to get a bad evaluation and you know that’s a first for me.

Steward/LAP: What’s different?

Member: Well, it’s really personal and I just want you to know if I have to get more time off. But hold off until I need it.

Steward/LAP: OK. But remember that the union has a Member Assistance Program to help members. Here’s a card with their number.

Member: Thanks. Maybe I should talk with them just in case.

Steward/LAP: I respect your privacy but can you give me more details so I might be able to direct you to a resource to help you? I can also talk with your manager.
Do’s

Believe her/him.
Reiterate the union’s concern about member’s situation.
Respect her need for confidentiality.
Listen to her. Support her/his feelings without judging.
Let member know that she/he is not alone.
Reassure the member that the violence is not her/his fault. She/he is not to blame.
Physical safety is an important priority. Direct member to union and organizational resources to discuss workplace safety plans.
Provide members with a list of key community resources that support and work with those victimized by sexual or domestic violence or stalking.
Whatever decisions the member makes, do not take away your support.

Slides 27-30 Adapted from AFSCME Union Responses; www.afscme.org
Don’ts

Do Not:

* Tell her/him what to do, when to leave, or not to leave

* “Rescue” by trying to make decisions for them

* Say what you would do if you were her/him

* Offer to talk to the perpetrator to resolve anything

* Encourage her to stay in relationship for the children

* Say the union can’t assist because of their previous actions
What Stewards, LAP or EAP Can Do For Victims/Targets

Keep all information about the target’s situation confidential

Let targets know that the union will be supportive if violence or stalking causes on-the-job problems

Provide all members with information about their rights

Assist members in creating a Workplace Safety Plan with appropriate union staff

Work with personnel/HR or security to ensure procedures are in place to protect members from domestic and sexual violence and stalking
Workplace Safety Planning

Review the workplace to ensure that a target’s job site is as safe as possible:

- Move his/her workspace (esp. if a reception area)
- Issue cell phones to workers in isolated locations
- Encourage target to provide a recent photo of the perpetrator to security
- Offer training in domestic and sexual violence
- Provide escorts to parking lots or public transportation
- Install extra lights in parking lots; establish priority parking near entrance for those who fear an attack at work
As a co-worker, what would you do?

Couple who are dating work in same organization and are members of the same union. They are in process of breaking up. Pat constantly shows up at Lee’s desk; you are one of the co-workers who is asked by Pat to “report back” on Lee’s activities.

Do you....

1. _______Say to Pat, “I know you’re interested in knowing what Lee is doing, but I’m not comfortable doing that. You are both my coworkers. Please don’t ask me for information like that.”

2. _______Say with a laugh to Pat, “Another lover’s spat…next week you’ll probably be kissing and making up” and walk away.

3. _______Lee has confided in you about the breakup. You say to Lee, “I see you so stressed out lately, I don’t want to pry, but you don’t have to deal with this by yourself…Here are some resources within the union/company (or community) that you can contact if you’d like. Their phone numbers/websites are there if you want to check them out.”

4. _______You talk with your steward about a situation that you are concerned may escalate into workplace violence and describe in general terms what you have been asked to do by another member on the job.
Polling question #3: check all that apply

Do you:
1) Say you are not comfortable with Pat’s request
2) Joke that this “lover’s spat” will be over
3) Acknowledge Lee’s stress, provide support, refer to help
4) Talk with steward
Union Responses: Making a Difference

Why are domestic and sexual violence and stalking union issues?

Like many other workplace health and safety issues that impact workers, domestic and sexual violence and stalking are serious, recognizable and preventable problems.

Domestic and sexual violence and stalking affect the safety and productivity of the workplace — which makes them a union concern. And, like many of the other workplace health and safety issues that unions tackle for the benefit of their members, domestic and sexual violence and stalking are serious, manageable and preventable problems that affect a significant number of union members — both as victims and perpetrators of such violence.

- A recent Department of Justice study found that 65% of the expericences sexual assaulted experienced by female victims were committed by non-strangers such as intimate partners, friends, and family members. "Rape affects the health and health care of women at a very real level," said one of the study's authors. "(italics)
- A recent Department of Justice study reports that 45% of victims of domestic violence are women and that 15% are male.
- One in twelve women has been stabbed in her lifetime. (italics) The overwhelming majority of victims are women (78 percent) and the majority of offenders (97 percent) are men.

Many employers lack an understanding of the dynamics of domestic and sexual violence and stalking and react in non-supportive or even discriminatory ways when violence becomes a workplace issue. Consider the following types of member's needs and whether your union is prepared to respond:

- A member works on a data with a person who has unthinkingly stalks him or her at work, and the employer terminates his or her membership in a workplace security plan.
- A perpetrator repeatedly prevents a member from leaving the house in the morning and the member is on final warning for tardiness and absences.
- That same member has no family in the area, no extra money to relocate, and no information about how to seek help.
- Another member goes to the police station explaining that she is not being stalked, who is also a member of the union, work together at the same facility. She has received an Order of Protection requiring that he remain at least 500 feet away from her at all times.

For statistics on why domestic and sexual violence and stalking is a workplace concern, see fact sheets on Violence on the Workplace, Impact of Violence, and Costs of Sexual Violence on this website.

5. id.
When a Union Member is a Perpetrator 1(3)

- Do not approach perpetrator if the target is your sole source of knowledge. Doing so could put the target in even greater danger.

- If your source is police reports, personal observation, or the perpetrator’s self-disclosure, remaining matter-of-fact is most effective, and is safest for the target.

- Be sensitive to situations when you may need to share information with the employer or the police to protect the target and others. If you sense danger, contact the police or security immediately.

- Slides 35-37 adapted from AFSCME Union Responses, www.afscme.org
When a Union Member is a Perpetrator 2(3)

- Potential criminal activity while at work on company time or with employer property
- Intimidation and/or safety of target and/or co-workers
- Affect on work performance for all, may result in job discipline and discharge
- Union’s DFR obligation
When a Union Member is a Perpetrator 3(3)

- Unions have a legal duty to provide representation to members facing job discipline to ensure due process (*duty of fair representation*)

- Avoid colluding with those who would justify abusive conduct by blaming the target, the job, alcohol, stress, etc.

- Focus on their accountability for their behavior and direct them to community-based programs for perpetrators.
» Union Values
  > Mutual Aid
  > Job Protection
  > Social Justice

» Workplace Context
  > Awareness
  > Prevention and Intervention

» Cultural Context
  > Societal Beliefs
  > Attitudes & Myths
  > Social Change
The Root of Violence Against Women & Men

Power, Control & Oppression

- Based on an artificial social construct of hierarchy defined by sex, race, culture, sexual orientation, social class, religion, abilities, etc.;
- Expression of unhealthy masculinity;
- Anger management vs. entitlement;
- Stereotypes and a hierarchy that are created by people and can be changed by people.
The Power & Control Wheel

Domestic Abuse Intervention Project - Duluth, Minnesota
Connections to Alcohol and Other Drugs Connection

» Use alone **does not:**
  > **cause** someone to be violent or abusive
  > alter ones underlying beliefs or value system

» Use **can:**
  > impair judgment
  > reduce inhibition
  > increase aggression

» Which can lead to:
  > an increased risk for victimization
  > Greater intensity and severity of abusive/criminal behavior.
Using Existing Policies/Laws

- CBA
- State, City Laws
- OS & H Laws
Policies and Procedures

» Risk assessment process
» Security & safety procedures
» Existing policies
  > Sexual harassment
  > Sick time/vacation/leaves of absence
  > Disciplinary
  > Collective bargaining agreement
  > Workplace violence
Sample Contract Language on DV (a)

General Statement

» The employer and the union agree that all employees have the right to a work environment free of and safe from domestic and sexual violence. Domestic and sexual violence, which may involve physical, psychological, economic violence or stalking, against a current or former intimate partner or worker, is a widespread societal problem which must be prevented. The employer shall use early prevention strategies to avoid or minimize the occurrence and effects of domestic and sexual violence in the workplace and to offer assistance and a supportive environment to its employees experiencing domestic violence. In all responses to domestic violence, the employer shall respect employees’ confidentiality.

In order to help eliminate domestic and sexual violence and to assist employees who are affected by domestic and sexual violence both inside and outside the workplace, the employer shall complete the following tasks within six (6) months following the date of ratification of this contract:

Source: AFSCME Union Responses
1. **Distribute** to all employees and post **appropriate information** concerning the nature of domestic and sexual violence, methods by which it may be prevented or eliminated, and avenues through which victims and/or perpetrators may seek assistance.

2. **Post** on all management bulletin boards **information about the National Domestic and Sexual Violence Hotline** and local resources.


4. **Conduct training programs for employees, in conjunction with experts in the field of domestic and sexual violence and the union.** The purpose of the training shall be to instruct the employees about the nature and effects of domestic violence, the impact of domestic and sexual violence on employees in the workplace, and sources for referrals for assistance. **Employees shall also be trained on the provisions relating to domestic and sexual violence contained in this contract.**

5. **Brief supervisory personnel** on the problem of domestic violence and their role in identifying employees in need of referrals for assistance.

Source: AFSCME Union Responses
Sample Contract Language on DV (c)

Leave Time
Transfers and Work Schedules
Workplace Safety
Health Insurance
Discipline
Section [1]

» When an **employee who is subject to discipline**, including counseling, for work performance, attendance or any other reason, **confides that she/he is experiencing domestic and sexual violence and provides some form of supporting documentation**, such as a police report, medical report, statement of a counselor or shelter staff, injunctive order, a declaration of a witness, or the employee’s own signed statement, a referral for appropriate assistance shall be offered to the employee in lieu of disciplinary action and the disciplinary action shall be held in abeyance for six (6) months.

Source: AFSCME Union Responses
Sample Contract Language on DV (d) (excerpt)

**Discipline** (continued)

**Section [1]**

» In accordance with other provisions of the contract, the employee has the right to union representation in any and all discussions with the employer pertaining to this section. The matter will be reviewed following the six-month period, and if the problem which initiated the disciplinary action has satisfactorily improved, any information pertaining to the discipline shall be removed from the employee’s personnel file. If the problem remains, the employer, the union, and the employee shall meet before the employer undertakes any disciplinary action.

**Section [2]**

» Any **employee who engages in domestic or sexual violence on the employer’s premises**, during work hours, or at an employer sponsored social event, may be **subject to disciplinary action in accordance with this contract**. The union shall be notified within two (2) working days of any potential disciplinary action under this section. In accordance with other provisions of this contract, the **employee has the right to union representation** in any and all discussions with the employer pertaining to this section.

» Such employees shall also be referred to appropriate resources through the Employee Assistance Program (EAP) and/or other local resources.

Source: AFSCME Union Responses
Sample Contract Language on DV (f)

Employee Assistance Plan
» The employer’s EAP shall include professionals trained specifically in domestic violence and its potential impact on work performance.

Legal Assistance Plan
» Within one (1) year following ratification of this contract, the employer shall make a legal assistance program available to employees. Assistance shall be available for general legal problems, including but not limited to, domestic violence. This program shall be developed jointly by the employer and the union prior to implementation.

Source: Domestic Violence: The Union Responds. AFSCME see www.afscme.org
“Panic Button” Collective Bargaining Agreement 1(2)

» 1. General Obligation of the EMPLOYER to Protect Employees: The EMPLOYER reaffirms that the safety of Employees is of paramount concern and includes safety from harassment by hotel guests. The EMPLOYER shall take reasonable steps to address inappropriate guest advances, harassment and threats and to respond promptly and adequately should such incidents occur.

» “2. Devices: Within one (1) year of the date of this Agreement, the EMPLOYER will equip Room Attendants, Housekeeping Attendants, Minibar Attendants, Room Service Servers and any other employee who is required to enter an occupied guest room with devices to be carried on their persons at work that they can quickly and easily activate to effectively summon prompt assistance to their location. It is recognized that because of the varying size and physical layout of each hotel, different devices may be appropriate for different hotels.

“Panic Button” Collective Bargaining Agreement

2(2)

“3. Right to Request Accompaniment Prior to Entering an Occupied Guest Room: An Employee who has a reasonable good faith belief that entering an occupied guest room alone poses a risk to his/her safety from guest conduct shall promptly notify management of the perceived safety risk and if asked to enter the guest room shall be accompanied by a security officer, manager, or other appropriate staff member, as determined by the EMPLOYER. As an alternative, the EMPLOYER shall have the right to reassign the Employee to another guest room or to refuse service, in whole or in part, to said room.

“4. Employee Complaints: The EMPLOYER shall promptly and adequately respond to Employee complaints of inappropriate advances, harassment, or threats by guests. The EMPLOYER shall not discipline nor otherwise adversely affect any employee for making a good faith complaint against a guest.

“5. Purpose of Article: The purpose of this Article is to protect employees and the device may not be used for any purpose other than employee protection.”

Relevant Laws

» Federal Executive Order
» State agency policies
» Anti-discrimination laws
» Accommodation laws
» Leave laws
» Unemployment insurance
» Occupational Safety & Health law

Resource: See www.legalmomentum.org to find out more about your state’s legal protections and options
Obama Signs Memo Addressing Domestic Violence in Federal Agencies

President Obama signed a memorandum requiring federal agencies to create comprehensive policies to assist employees who are victims of domestic violence. Federal agencies will be expected to have policies for preventing and intervening in domestic violence cases, both against or by employees.

“As the Nation's largest employer, the Federal Government should act as a model in responding to the effects of domestic violence on its workforce."

"it is the policy of the Federal Government to promote the health and safety of its employees by acting to prevent domestic violence within the workplace and by providing support and assistance to Federal employees whose working lives are affected by such violence."

The White House emphasized that employers can take action because violence can spill over into the workplace when victims are harassed at work or distracted from their jobs.

White House Press Release 4/18/12; White House Memorandum 4/18/12
State Agency Policies

» Most by executive order
» Require state agencies to have a workplace and domestic violence (and/or sexual violence and stalking) policy
» Implementation and training
» Example: Vermont just adopted a new policy
Antidiscrimination Laws

» Prohibit employment discrimination against employee because of status as a victim of domestic violence, sexual assault, stalking

» Based on acts of perpetrator

» Actual or perceived victim

» Only a few places in the country: CT, HI, IL, NYS, NYC, Westchester Cty, OR
Accommodation Laws

» If employees reveal they are victims they can ask for “reasonable accommodations” at work and employers must provide them

» What is reasonable

» Documentation

» Confidentiality
Examples of Reasonable Accommodations

- Time off
- Changing a telephone number or extension or routing calls through a receptionist
- Confidentiality of home address and contact information
- Different work site, desk, shift
- Having a security guard escort
- Picture of abuser to security and reception
- Copy of protective order to security and reception
- Incorporating workplace into safety plan
Leave Laws

» Reasonable accommodations
» Crime victim leave laws
» FMLA
» Paid sick/safe days
Unemployment Insurance

» Allows someone who leaves a job or was fired due to violence to be eligible for UI
» Some combination of DV, SA, stalking
» Over 40 states

(a) Each employer --

(1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;

(2) shall comply with occupational safety and health standards promulgated under this Act.
## Domestic & Sexual Violence Prevention

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<td>1. Get e-board/officer leadership buy-in</td>
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<td>2. Raise awareness in union newsletter</td>
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<td>3. Speak about it at membership mtgs and conferences</td>
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<td>4. Provide support &amp; strategies to targets of bullying</td>
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<td>6. Training to union leadership and membership as allies</td>
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<td>7. Engage labor/management partnerships/committees</td>
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<td>8. Union leadership model proactive and prevention strategies</td>
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<td>9. Add to existing policies</td>
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<td>11. Negotiate in CBA to include: principles, management role, prevention, support, complaint procedures, information and training</td>
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Resources

» Workplaces Respond to Domestic and Sexual Violence: A National Resource Center
   www.workplacesrespond.org

» Legal Momentum
   www.legalmomentum.org

» Men Working to End Violence Against Women: www.standupguys.org
Stand Up Guys Reading List 101

Lundy Bancroft, “Why Does He Do That?: Inside the Minds of Angry and Controlling Men” 2003
Rus Ervin Funk, “Reaching Men: Strategies for Preventing Sexist Attitudes, Behaviors, and Violence” 2006
Michael Kimmel, “Manhood in America: A Cultural History” 2005
Bell Hooks, “The Will to Change: Men, Masculinity, and Love” 2004
Angela Shelton, “Finding Angela Shelton” 2008
Shira Tarrant, “Men Speak Out: Views on Gender, Sex, and Power” 2008