

Confidentiality is Critical

Survivors of domestic and sexual violence and stalking are much more likely to report incidents and seek assistance if they know that their privacy will be respected.

There are many reasons why an employee experiencing threats or violence might choose not to report or seek help, including:

- Trauma impacts individuals in different and complex ways;
- Fear of attacks on their credibility and other professional consequences including losing their job; and
- Concern that their co-workers, clients and other business-related contacts will find out.

Well-meaning or even inadvertent disclosures of an employee's experiences with domestic and sexual violence or stalking may be emotionally devastating, and for some survivors may prove dangerous or fatal.

Clear and comprehensive privacy protocols and policies can create a workplace culture in which employees feel safe disclosing and seeking assistance without fear of reprisal.

In consultation with local service providers, evaluate current privacy protocols and policies and determine whether they adequately address the concerns of survivors of domestic and sexual violence and stalking. Questions to consider include:

- Rights, remedies and resources available to an employee who discloses; and
- Guidance for co-workers who have knowledge about another employee.

Privacy protocols and policies should be integrated into workplace policies on domestic and sexual violence and stalking, covered during new employee orientations and trainings, integrated into ongoing trainings for existing staff, and included in employee handbooks.

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How to Respond to a Report or Disclosure of Violence

If an employee reports or otherwise discloses a threat or an incident of violence:

- **Inform** the employee of any confidentiality or privacy policies;
- Consider **securing access to e-mail and personal contact information** of the employee experiencing violence, especially if the alleged perpetrator is a co-worker. In some jurisdictions, survivors of domestic or sexual violence may be eligible for a confidential post office box.
- **Treat as confidential all disclosures and requests for safety accommodations**, including any certifications or supporting documents submitted.
- Discuss the possibility that **information disclosed may be relevant to a criminal or civil court matter**, so they should take care not to reveal any privileged information (such as conversations with their attorney or therapist);
- Explain why **some information is retained in an employee's personnel file** (such as the facts of a workplace disruption caused by the employee's intimate partner or an incident between two employees). Detail who has access to such information, the steps taken to secure it, and assure the employee that no information will be released to another party (outside of a court order) without their expressed and informed consent; and
- **Refer** them to a local domestic and sexual violence or stalking service provider for assistance, including additional information about any privacy concerns.

Ongoing Privacy Considerations

Privacy protections must be factored into workplace accommodations intended to enhance the safety of employees experiencing violence. Examples of accommodations include:

- Changing work hours and break times or modifying shifts;
- Allowing an employee to transfer to another location or building or permitting telecommuting;
- Accompanying the victim to or from public transport or an automobile; and
- Giving security or a receptionist a description or a photograph of the alleged perpetrator and instructions on what to do if they show up at the job site.

If documentation is required to obtain an accommodation, consider accepting the most general verification possible in order to protect privacy and safety concerns.

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If it is necessary to disclose information to other employees in order to implement an accommodation, obtain the advanced informed consent of the employee experiencing violence and limit disclosure to a “need-to-know” basis. In order to limit disclosure to other employees, consider designating a specific human resources professional or other manager to respond to all domestic and sexual violence and stalking matters, and also administer safety planning, threat assessment, accommodations, leave, absence, and other related issues.

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