

Guide for Supervisors

Information for Supervisors on Preventing and Responding to Domestic and Sexual Violence, and Stalking in the Workplace

Supervisors can play a critical role in both preventing and responding to the impacts of domestic violence and sexual violence, and stalking on the workplace. Effective workplace responses to domestic and sexual violence, stalking, and dating violence depend on knowledge about how these forms of violence are defined and how they impact victims/survivors and the workplace. The Guide for Supervisors provides information on some of the ways supervisor can play a role in promoting a safe and resilient workplace and support employees who are experiencing domestic and sexual violence, or stalking.

I think one of my employees is a victim of violence. What should I do?

- Obtain facts, not rumors or gossip. The employee is the best source of information, but consider carefully how you approach him or her.
- Utilize the [Interact with a Virtual Employee](#) on this site to explore a variety of responses to a virtual employee who you suspect is a victim of violence.
- Speak to the employee privately, and provide the work-related basis for your inquiry and concern. It is best not to make assumptions about an employee's personal life. For example, state "I have noticed you aren't acting like yourself, is something going on that you would like to talk about?" versus "I think you may be having trouble at home, is that why you have been late to work recently?"
- If the employee discloses the violence, ask "How can I help you?"
- Convey the message: "You do not deserve this violence" and offer to support the victim's efforts to achieve safety.
- Provide a list of community based service organizations to assist the employee. As the employer, it is not your job to be an expert on violence, and you should not counsel the employee about what to do. If you have used the [Model Workplace Policy](#) on this site, you may have already identified these resources in your community!

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- Are there any immediate safety concerns for the employee and the workplace? Consult with the victim, your security and human resources personnel, your legal counsel, and as appropriate, the union and law enforcement to determine an appropriate course for ensuring that your employees and workplace(s) are secure.
- For more information and security tips, see [Why Is This a Workplace Issue?](#) on this site.
- Would workplace accommodations facilitate the employee's safety and security at work? See the [Model Workplace Policy](#) on this site for examples of workplace accommodations that might assist employees who are victims.
- Explain your workplace's policy on leave for victims of violence. You may be required by state law to provide time off for an employee who is a victim of crime or who has experienced violence. Even if you are not legally required to provide time off, can you offer leave or other accommodations so an employee can take care of personal issues related to the violence?
- Explain other personnel policies in your workplace that address these issues, if any. Review and adapt the [Model Workplace Policy](#) to craft a jurisdiction specific workplace policy on these issues.
- Explain to the employee-victim that, to the extent possible, his or her personal information will be kept confidential. A victim's personal information should be kept confidential and separate from the employee's personnel file. Employees who are privy to such confidential information should be informed that disciplinary action will ensue for breaching a victim's privacy. Employers should share an employee's confidential disclosures about violence only on a "need to know" basis. The list of individuals who must be informed for security reasons should be developed with a victim's input and consent. If additional individuals must be informed of the violence or threat of harm, the victim should be advised before the information is disclosed.

I think one of my employees is a perpetrator of violence. What should I do?

If you believe that an employee is or may be a perpetrator of violence, you should make all reasonable efforts to determine whether this is true. Consult a lawyer and human resources about the best way to obtain this information, and to get advice about your (and the employee's) rights and obligations. For instance, if the employee is using work time and resources to perpetrate a crime, this could create legal liability on your part. If the employee is abusing another of your employees, this may implicate your company's sexual harassment policy as well.

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You should also assess whether this employee may be a danger to other employees or guests on your premises. Seek advice on enhancing workplace safety from your security personnel or local law enforcement. See [Why Is This a Workplace Issue?](#) on this website.

If my employee has an order of protection against another employee, what am I supposed to do?

For information on this question and other issues pertaining to protection orders and your workplace, see the [Protection Order Guide](#) on this site.

Can I require an employee to go to counseling?

If you wish to send one or more employees (victim, perpetrator, witness) to counseling, consult your legal counsel and human resources to determine whether this is permissible under the terms and conditions of employment.

May I refuse to hire someone who is a victim of violence?

First, consider why you believe this person to be a victim and whether his or her status as a victim will actually affect the ability to be a good and productive employee. Determine whether some workplace accommodation might address your concerns.

Consult an attorney regarding your rights and obligations since, in some circumstances, this could constitute discrimination against individuals. Some jurisdictions have statutes specifically barring employment discrimination against a violence victim, including prohibiting sanctions against a victim in retaliation for the behavior of the perpetrator in the workplace. For more information on these laws, visit [Legal Momentum](#).

May I refuse to hire someone who is a perpetrator of violence?

Knowingly hiring a perpetrator of violence could potentially result in legal liability for an employer. Some courts have held employers liable for violent acts by employees where the danger was foreseeable. Some jurisdictions have laws prohibiting discrimination against people with criminal records or certain types of criminal records. In addition, other laws govern employers' obligations at the time of hiring. It is important to consult an attorney to determine your rights or obligations in such cases.

What if I need to terminate an employee who is a victim?

Employment is a major component of victim's economic security and is often critical in his or her efforts to become physically and psychologically safe. Consider whether you can provide workplace

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accommodations, or a performance plan, that will allow the victim to stay safe but continue working. Several states now promote “Employer Intercession Services” through which employers encourage employee/victims to cooperate with criminal justice proceedings and agree to minimize the loss of any employment benefits for doing so. Consult an attorney and human resources to determine your rights and obligations in such cases, as there are many relevant federal, state and local laws that may govern this situation. For instance, several jurisdictions have enacted laws specifically prohibiting employers from terminating or otherwise discriminating against employees simply because they are victims of violence. For more information on these laws, visit [Legal Momentum](#).

Some employees who quit or are terminated because of the violence against them may be eligible for unemployment insurance benefits. Eligibility for unemployment insurance benefits is based on each state’s laws. To determine what laws may apply in your jurisdiction, visit [Legal Momentum](#).

What should I do if I’m asked for a reference for a perpetrator of violence who is or was an employee?

Consult an attorney to determine your legal rights and obligations. The answer to this question may be fact-specific, and depend on what you know, how you know it, whether the perpetrator has been held civilly or criminally liable and other considerations.

What can I do to improve my response to domestic and sexual violence, stalking, and dating violence in the workplace?

- Evaluate your workplace using the [Initial Evaluation of your Workplace Programs](#).
- Create a workplace policy on domestic and sexual violence, stalking, and dating violence. Review and adapt the [Model Workplace Policy](#) on this website.
- In your policy, include specifics about leave and accommodations for victims of violence.
- Post information in public areas in the workplace about domestic violence, sexual violence, stalking, and dating violence and furnish a list of community resources available to victims.
- Include information about resources for victims in pay checks, employee manuals, staff meetings, trainings, etc.
- Implement comprehensive training annually on domestic and sexual violence, stalking and dating violence. See [How to Create an Education Program](#).

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- Develop relationships with your community-based programs such as rape crisis centers and domestic violence shelters. Invite advocates to the workplace to offer lunch-and-learns or other educational opportunities.
- Create a multidisciplinary response team to address issues of workplace violence as it arises. Include human resources, security personnel, EAP programs, legal, union representatives, managers, and other key employees and ensure that each employee receives proper education about violence.
- Review your personnel policies annually.
- Provide training for supervisors, managers, and human resources personnel to encourage open communication with employees, and to encourage disclosures of potential safety issues.
- Protect the privacy and confidentiality of all employees. For example, do not post company directories with employee information online, if possible.
- Conduct annual safety audits of your workplace environment.
- Implement and enforce “no tolerance” policies for pornography, sexual or gender objectification images, etc., in the workplace.
- Create a workplace culture that encourages coworkers to become active bystanders to prevent violence. See www.nsvrc.org for more tips on Bystander Interventions!
- Respond swiftly and effectively to reports or allegations of violence. This sends a message to all employees that you take violence seriously and that workplace safety is a top priority.

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