

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 appropriately responding to the impacts of domestic and sexual violence, and stalking on the workplace. Effective workplace responses to domestic and sexual violence, stalking, and dating violence depend on knowing how these forms of violence are defined and how they impact survivors and the workplace. This Guide for Supervisors provides information on some of the ways supervisors can play a role in promoting a safe and supportive workplace for employees who are experiencing domestic and sexual violence, or stalking.

I think one of my employees is a survivor 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](#) tool to explore a variety of responses to an employee experiencing 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: "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 we help you?"
- Convey the message: "You do not deserve this violence" and offer to support their efforts to achieve safety.
- Provide a list of community-based service organizations to assist the employee. If you have used the [Model Workplace Policy](#), you may have already identified these resources in your community! As the employer, it is not your job to be an expert on violence. You should not counsel the employee about what to do. Experts can help.

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- Are there any immediate safety concerns for the employee and the workplace? Consult with the employee, your security and human resources personnel, your legal counsel, and as appropriate, any unions and law enforcement officials to determine an appropriate course for ensuring that your employees and workplace(s) are secure.
- For more information and security tips, see [Why Is Gender-Based Violence a Workplace Issue?](#)
- 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 survivors of violence.
- Explain your workplace's policy on leave for survivors of violence. You may be required by state law to provide time off for an employee who is a survivor 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 may address these issues, if any. Review and adapt the [Model Workplace Policy](#) to craft a jurisdiction-specific workplace policy on these issues.

I think one of my employees may impact workplace safety for all. What should I do?

If you believe that an employee is or may be a perpetrator of violence, you should make all reasonable efforts as if it were true. Consult a lawyer and alert 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 potentially create legal liability on your part. If the employee is abusing one of your employees, this may implicate your company's sexual harassment policy as well. 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 Gender-Based Violence a Workplace Issue?](#)

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.

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

First, consider why you believe this person to be a survivor and whether his or her status as a survivor 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, as well as the law in your jurisdiction, since this could constitute discrimination in some circumstances. Some jurisdictions have statutes specifically barring employment discrimination against a crime victim, including prohibiting sanctions against them in retaliation for the behavior of the perpetrator in the workplace. For more information on these laws, visit [Legal Momentum's](#) website.

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, or the employer knew or should have known the employee was dangerous. Some jurisdictions have laws prohibiting discrimination against people with criminal records or certain types of criminal records, however. 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 circumstances.

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

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

provide workplace accommodations, or a performance plan, that will allow the survivor to stay safe but continue working. Several states now promote “[Employer Intercession Services](#)” through which employers encourage employee/survivors 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 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 survivors 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, as well as 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](#) tool.
- Create a workplace policy on domestic and sexual violence, stalking, and dating violence. To get started, review and adapt the [Model Workplace Policy](#).
- In your policy, include specifics about any leave and accommodations for survivors of violence.
- Post awareness-raising information in breakrooms, restrooms, and other employee areas of the workplace about domestic violence, sexual violence,

stalking, and dating violence and furnish a list of community resources available to survivors.

- Include information about resources for survivors 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](#).
- 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. Visit the [National Sexual Violence Resource Center](#) 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.