

Finding a Balance: Response to Members Who Perpetrate Violence

Adapted from "Domestic Violence: A Union Issue. A Workplace Training Kit for Unions", Urban, B.Y. & Wagner, K.C. (2000), San Francisco, CA: Futures Without Violence.

Unions have a difficult job. On the one hand, unions need to take a stand against domestic and sexual violence and stalking and communicate to members that violence, both at home and at work, is not acceptable. On the other hand, union stewards and officers have the Duty of Fair Representation – an obligation to represent all members including those who have employment problems related to violent behavior. Is it possible to send a message that domestic and sexual violence and stalking are not acceptable, while also representing a violence perpetrator in a job jeopardy situation?

Responses to Members Who Perpetrate Violence

When a member perpetrates domestic and/or sexual violence against another member or worker and it affects the workplace, what steps would you take first? Stewards and officers have several issues to consider when this type of situation arises. An effective approach might include the following steps, in this order.

- Consider the safety of all members
 - Is anyone at risk of being attacked or is the member who has experienced harm feeling threatened? After consulting the member, take action to protect the member or worker and other co-workers.

© 2020 Futures Without Violence. All rights reserved. This product provides only general information; it does not constitute or supplant legal advice or consist of the practice of law and should not be used or relied upon as such. Legal advice is dependent upon the specific circumstances of each situation and upon the law in specific jurisdictions. Do not rely on legal information without consulting an attorney licensed to practice law in your jurisdiction.

This project is supported by Grant No. 2014-TA-AX-K055 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed on this site or in any materials on this site, are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

- Don't rely on promises from the perpetrating member. People who perpetrate violence tend to deny the violence and even if they intend to stop, they may still act violently
- Refer both parties
 - Refer the perpetrating member to appropriate services to learn how to stop being violent.
 - Refer the member who has experienced violence to local domestic and/or sexual violence resources for assistance in dealing with the violence. Community domestic and sexual violence services can assist the member in making a personal safety plan and collaborate on workplace safety plans.
 - Check to see if the targeted member needs any workplace advocacy. Does the member need time to go to court or to meet with a lawyer, doctor, or counselor?
 - Has the member's work performance been affected and is advocacy needed?
 - Is the member being blamed for the situation and discriminated against as a result?
 - Contact the member's steward and offer whatever support is needed to help stabilize that person's situation.
- Fulfill your Duty of Fair Representation (DFR) responsibilities
 - Remember that domestic or sexual violence or stalking is not just a "fight" between two members. Although both members deserve representation, the perpetrator needs to know that his or her behavior is wrong and will not be tolerated.
 - Remember that the targeted member has a right to be free from violence, abuse and harassment at work.
 - Fulfill the DFR responsibilities, while emphasizing the need for the perpetrator to get help.
- Make a statement
 - Make a statement that the union does not support any type of violence for any reasons.