

Domestic Violence

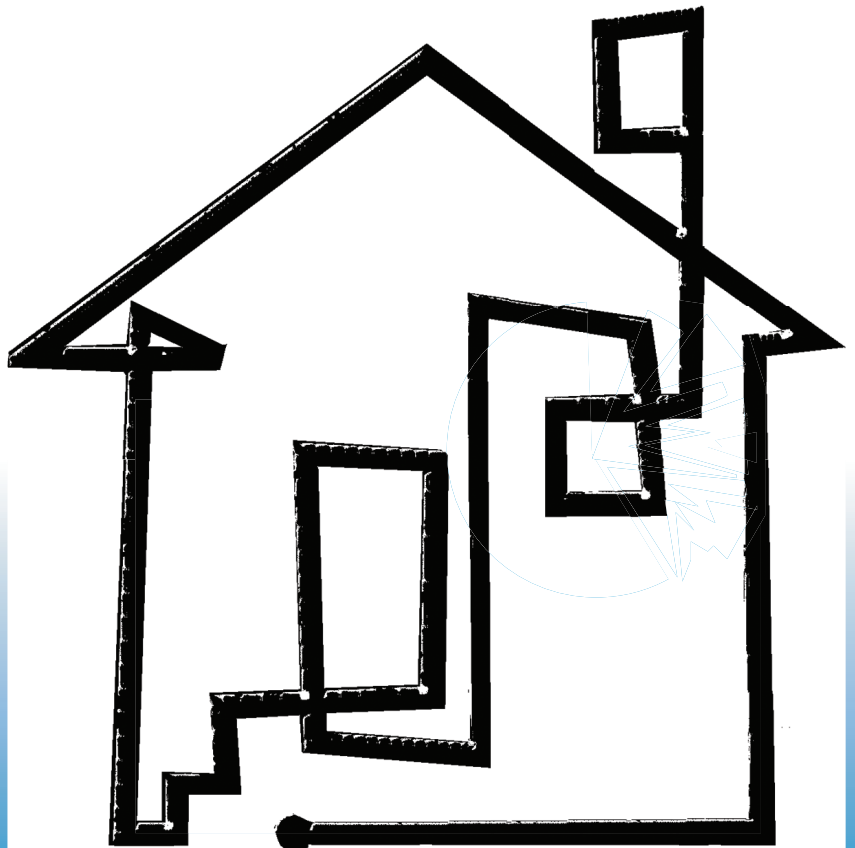
What Unions Can Do



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UNIONS RESPOND TO DOMESTIC VIOLENCE

Domestic violence fits into the agenda of unions as a health and safety issue, a workplace issue, a discrimination issue, a family issue — and as a human rights issue. Like other struggles for health, safety and human dignity, domestic violence affects the lives of untold numbers of working people in the United States. Domestic violence is emotionally disruptive, dangerous and, at worst, it can claim the lives of workers.

Union interest in this issue grows out of a strong tradition of fighting for social and economic justice. In addition to a higher standard of living, unions have fought for respect, civil and human rights, personal self-determination, and freedom from violence. Therefore, it is of little wonder that the labor community is committed to ending domestic violence.



What is Domestic Violence?

Domestic violence is a pattern of assaults and controlling behaviors that adults and adolescents use against their intimate partners. These assaults and behaviors can include physical, sexual and psychological attacks and economic control. Domestic violence is common, doesn't discriminate and can be lethal. It affects people of all cultures, religions, ages, sexual orientations, educational backgrounds and income levels.

The overwhelming majority of adult domestic violence victims are women. Men, most commonly, are the perpetrators, although men can be victims, too. This explains why this publication refers to the victims as females. Perpetrators of domestic violence come from all walks of life and include all personality types. The National Violence Against Women Survey (NVAWS), funded by the U.S. Centers for Disease Control and the National Institute of Justice, estimates that 5.3 million acts of domestic violence occur each year against U.S. women age 18 and older.

These violent acts result in 2 million injuries, more than a quarter of which require medical attention. Victims of domestic violence also suffer other long-term health problems, including fatigue, sleep disturbances, depression, chronic pain and post traumatic stress disorder.

Domestic violence is usually not an isolated, individual episode. One battering builds on past attacks and sets the stage for future assaults. There is a wide range of consequences, some physically injurious and some not; all psychologically damaging. Without intervention, the pattern of assaultive behaviors often escalates in both frequency and severity.

Recognizing Domestic Violence

Perpetrators' tactics may include:

Physical Abuse: shaking, shoving, throwing, slapping, punching, choking, kicking, using weapons or objects against a victim.

Sexual Abuse: forcing a partner to engage in sex against her/his wishes.

Intimidation: violence or threats of violence against children, family, friends, pets or property.

Psychological Abuse: humiliating the victim, repeated verbal attacks against the victim's competence as a worker, family member or parent.

Progressive Social Isolation: controlling a victim's access to employment, activities, family, friends, resources and information.

Economic Coercion: controlling victims' access to such resources as money, health care, transportation or insurance.

Use of Children: exhibiting violence or threats of violence against children, placing children into dangerous situations, forcing children to participate in abuse of adult victim, fighting over custody or visitation, repeated undermining of the adult victim's parenting or making false reports to Child Protective Services.

Domestic Violence: A Workplace Issue

Domestic violence often leads to workplace violence. According to the Occupational Safety and Health Administration (OSHA), workplace violence is the leading safety and health concern in today's workplace. Along with safety concerns, the financial impact on the workplace is yet another reason for employers to take domestic violence seriously. The negative impact of domestic violence becomes apparent at the jobsite in lowered productivity, lost work time, increased health insurance costs and more.

It is crucial that domestic violence and other forms of workplace violence be seen as serious, recognizable and preventable problems just like thousands of other health and safety issues on the job.

Victims of Domestic Violence May Be Especially Vulnerable at the Workplace

When a victim attempts to leave an abusive partner, the workplace can become the only place the assailant can locate and harm her. In fact, 70 percent of domestic violence victims are harassed in the workplace. The U.S. Department of Justice has found that approximately 20,000 U.S. workers are threatened or attacked in the workplace every year by partners or spouses. In addition, homicide by intimate partners is the leading cause of workplace deaths among female employees, according to the Workplace Violence Institute. Not knowing the signs of domestic violence magnifies the risk of danger to the victim as well as to her co-workers.

The High Cost of Domestic Violence

In addition to the physical and emotional costs suffered by the victims, domestic violence impacts employers by causing lost work time, lowered productivity and increased health care costs.

The NVAWS found that victims lose a total of 8 million days of paid work, which equals more than 32,000 full-time jobs as a result of the violence. Ten work days were lost every time a woman was stalked by an intimate partner and 7.2 work days were lost, on average, by victims of physical assault. This lost work time adds up to financial loss for the victim and for the place of employment. The estimated total value of days lost from employment and household chores is a staggering \$858.6 million

a year. Even when victims are present at work, their productivity is likely to suffer.

Previously stated health problems, such as fatigue and mental health issues, can reduce a worker's ability to function properly at work. The Workplace Violence Institute estimates that 96 percent of battered women experience problems at work due to the abuse. Fifty-six percent of female domestic violence victims are late to work more often than those who are not abused and 28 percent of victims tend to leave work early. Furthermore, an estimated 50 percent of all homelessness among women and children can be attributed to domestic violence. Many employees place their jobs at risk when domestic violence forces them to take time off from work to relocate. If extended leaves for this purpose cause a woman to lose her job, the victim's situation becomes even more dire.



A report by Employers Against Domestic Violence revealed how batterers affect the workplace, and found many areas of workplace abuses and lost productivity. Batterers, on average, missed approximately seven business days for court activities related to their perpetration of violence. Many batterers also experience emotional distress or distraction due to their behavior, which can lead to lost productivity — and if a batterer is in extreme distress, he could turn violent toward his co-workers or himself. In addition, batterers spend significant work time and resources to monitor their victims. Work telephones, e-mail systems and even co-workers are employed by batterers to “check-up” on their victims.

Another significant cost of domestic violence is the cost of the victim's health care. The mean medical care cost per incident is

\$2,665, approximately half of which is paid for by insurance plans. Many victims of domestic violence also seek mental health care to help them cope with their experiences. The total number of mental health care visits annually by female victims of domestic violence is estimated to be more than 18.5 million. This medical care results in large health care bills for victims, their families and their insurance plans. In fact, the total estimated health care costs related to domestic violence, including medical and mental health care services is \$4.1 billion.

Why Is Domestic Violence a Union Issue?

Unions work to protect the health, safety and well-being of the workers they represent. With more than 5 million women victimized by domestic violence every year, abuse affects many union members — victims, batterers, family members, friends and co-workers.

Health, safety and job security are union issues. Victims of domestic violence are at higher risk of on-the-job violence. They are also likely to miss work or come in late, so they may be disciplined by management for job performance problems and can be denied opportunities for promotion and advancement. Many union members work in professions that deal directly with domestic violence and its consequences, including emergency dispatchers, social workers, police officers, health care workers and security personnel. Unions can assist workers in these professions by offering in-service trainings and by encouraging public awareness about domestic violence.

The workplace is where members facing domestic violence spend at least eight hours a day and it can be a haven for help and support. Unions can be instrumental in ensuring that victims of domestic violence understand and access services, information and protections available to them.

Unions are uniquely positioned to be a key force in helping our members stay safe, both on the job and at home. Unions can help reduce the risk of violence for workers while maintaining jobs — a key to economic self-sufficiency. By addressing domestic violence, unions can make a significant — and, in some cases, a life-saving — difference in the lives of their members.

WHAT UNIONS CAN DO

Union Training:

- Be sure all members have information about where to refer other members for help.
- Be sure to include information about domestic violence as part of steward/delegate training.
- Be sure stewards know how to recognize the signs of domestic violence and are knowledgeable about the relevant policies and contract language.

For Union Stewards:

- Keep all information about the victim's situation confidential.
- Let victims know that the union will be supportive if domestic violence causes on-the-job problems.
- Negotiate contract language that is supportive of women dealing with domestic violence, including leaves of absence, transfers, worksite security and paid time to attend court hearings as well as employer-paid legal assistance and other types of assistance programs for use by abused members.
- Be sure that your Member Assistance Program and/or Employee Assistance Program includes services for members dealing with domestic violence.
- Either independently or in cooperation with the employer, sponsor workshops about domestic violence.
- Work with personnel or human resources departments to ensure that procedures are in place to protect members from domestic violence in the workplace.
- Provide all members with information about their rights.
- Negotiate for improved security at the workplace. Security can play a critical role in the safety of victims at work.
- Conduct a drive to collect clothes, toys, furniture or money for a local domestic violence program or shelter.
- Assist members in creating a Workplace Safety Plan and a Personal Safety Plan.

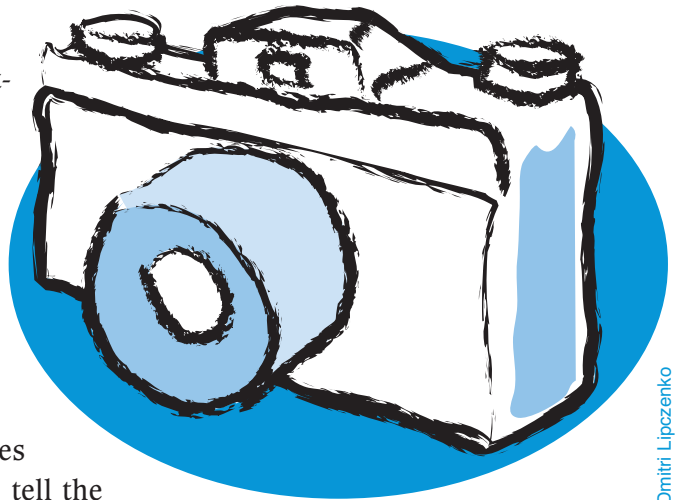
Safety Plans

For Union Stewards:

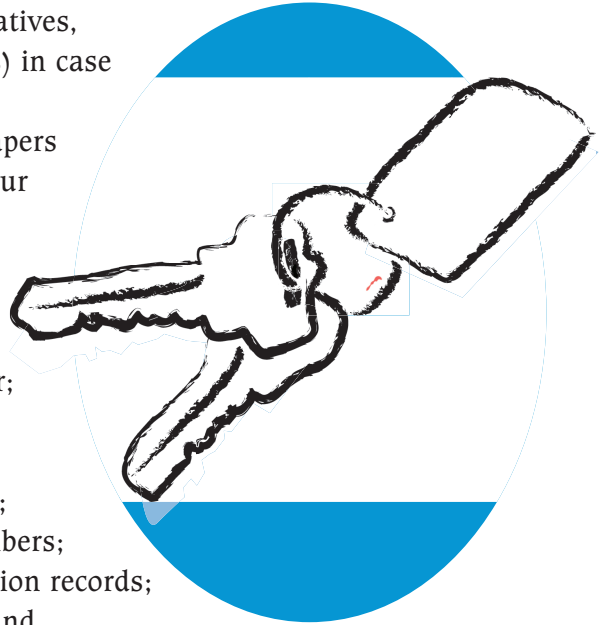
- Review the workplace situation to ensure that a victim's workplace is as safe as possible. This may require moving the victim's workspace, particularly if she works in a reception area. In addition, consider issuing cellular phones to workers in isolated locations.
- If a woman has a restraining order or is being stalked, encourage her to provide a recent photograph of the batterer to security. Such a photograph can help ensure that the batterer will not get into her workplace.
- Other security steps include developing special training in domestic violence, providing escorts to parking lots or public transportation, installing extra lights in parking lots and establishing priority parking near the building for victims who fear an attack at work.

For Victims:

- Review the safety of your child care arrangements. Give a picture of your batterer and a copy of your protective order to your day care provider and union steward.
- Find out where you can go for help. Tell a union steward what is happening to you.
- If domestic violence causes you to seek medical care, tell the doctor what happened and ask him or her to document it in your medical file. In addition, keep any evidence of abuse, such as photos of bruises and injuries or ripped clothing. This will be helpful should you decide to take legal action in the future.



- If you are thinking of leaving, prepare a plan of action.
 1. Hide a spare set of keys, some money, extra clothes and important phone numbers (including those of friends, relatives, doctors and lawyers) in case of an emergency;
 2. Collect important papers for both you and your children, including:
 - checking, savings and credit card account numbers;
 - any protection order;
 - birth certificates;
 - marriage license;
 - house lease or deed;
 - Social Security numbers;
 - school and vaccination records;
 - medical insurance and prescription drug information;
 - a paycheck stub;
 - and evidence of your partner's assets (such as a paycheck stub).



Such information will be essential should you seek alimony or child support.

- **Call the National Domestic Violence Hotline at 1-800-799-SAFE to learn about laws, shelters, and other resources.**

HOW TO SUPPORT A MEMBER WHO IS BEING ABUSED

If you are approached by a member or co-worker who is a victim of domestic violence, consider the following list of “do’s” and “don’ts.”

Keys to Positive Communication

- ✓ Believe her.
- ✓ Encourage, but don’t pressure her to talk about the abuse.
- ✓ Respect her need for confidentiality.
- ✓ Listen to her. Support her feelings without judging.
- ✓ Let her know that she is not alone.
- ✓ Reassure her that the abuse is not her fault. She is not to blame.
- ✓ Give her clear messages that: she can’t change her partner’s behavior; apologies and promises will not end the violence; and violence is never justifiable.
- ✓ Physical safety is the first priority. Discuss her options and help her make plans for her safety and her children’s safety.
- ✓ Give her the time she needs to make her own decisions.
- ✓ If she is not ready to make major changes, do not take away your support.
- ✓ Give her a list of key community resources that support and work with victims of domestic violence.

Harmful — Even Dangerous — Communication to Avoid

- ✗ Don’t tell her what to do, when to leave, or not to leave.
- ✗ Don’t tell her to go back and try a little harder.
- ✗ Don’t rescue her by trying to make decisions for her.
- ✗ Don’t offer to try to talk to her partner to straighten things out.
- ✗ Don’t tell her to stay because of the children.

While the signs below could be explained by something other than domestic violence, possible signs that a member is being battered include:

- Bruises she may try to explain as being caused by an accident.
- Frequent or unexplained absences or lateness.
- Frequent personal phone calls that leave her upset.
- A decline in job performance — difficulty concentrating or working effectively.
- Withdrawal from co-workers.

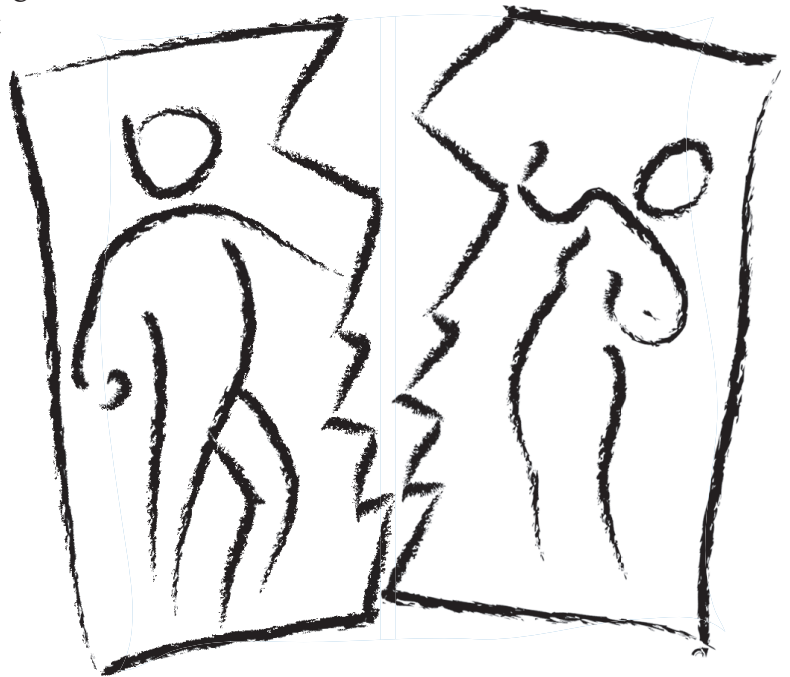
Remember, despite severe problems at work, a victim of domestic violence may be reluctant to talk about the abuse due to embarrassment or fear. Assure her that the union is there to help and that you understand it is not always possible to separate one's personal life from one's working life.

WHAT TO DO WHEN A UNION MEMBER IS A DOMESTIC VIOLENCE PERPETRATOR

It is the employer's responsibility to provide a safe working environment. However, in situations such as discipline or job jeopardy, the legal Duty of Fair Representation may cause the union to offer assistance to perpetrators. In addition, the union can use strategies to help perpetrators stop their abuse. When responding to union members who are perpetrators, keep the following in mind:

- Do not approach perpetrators if your sole source of knowledge of the abuse is from the victim. Doing so could put the victim in even greater danger. If you learned about the abuse from police reports, observing the abuse or the perpetrator's self-disclosure, responding to the information matter-of-factly is the most effective method, and is safest for the victim.
- There may be situations in which you need to share information with the employer or the police to protect the victim and others. If there is a dangerous situation in your workplace, contact the police or security immediately.
- Encourage the perpetrator to accept responsibility. Perpetrators often justify their conduct by blaming someone or something other than themselves, such as the victim, the job, their drinking or stress.

Unions can best help members who are abusers by treating them, and not the victim, as responsible for the abuse, and by providing resources for the abusers to change.



- Use an effective message. Stewards can use the same approaches they use to help members with other self-destructive behaviors that affect employment, such as substance abuse. Clearly communicate that domestic violence is jeopardizing their job, and that they need to stop this behavior and seek help.
- Offer specific union help to perpetrators. Make perpetrators aware that the union is there to help them stop the violence. If appropriate, offer to be an advocate with the employer to gain accommodations to treatment and to stop their abusive behavior.
- Negotiate for specific domestic violence interventions. Be sure that your Member Assistance Program and/or Employee Assistance Program includes specialized services for members who are domestic violence perpetrators.
- Assist the member in finding a treatment program, preferably one that is certified by your state. **Contact your local Domestic Violence Victim Services or the National Domestic Violence Hotline at 1-800-799-SAFE for information on batterers' intervention programs in your area.** (Note: Research shows that couples counseling, anger management and individual psychotherapy are not effective for perpetrators and may even put the victim in more danger. Also, substance abuse programs are not sufficient to stop domestic violence.)
- Work with personnel or human resources departments to ensure that procedures are in place to increase the safety of victims while requiring that perpetrators comply with all workplace policies and legal standards of behavior at the workplace. If both parties work at the same site, ask the victim what transfer and leave procedures would help to ensure her safety.
- Negotiate contract language that encourages domestic violence perpetrators to take responsibility both for the abuse and for making the changes necessary to stop the abuse, including, but not limited to, leaves of absence and transfers to attend specialized batterer's intervention groups. (See following sample contract language.)

SAMPLE UNION CONTRACT LANGUAGE ON DOMESTIC VIOLENCE

General Statement

The employer and the union agree that all employees have the right to a work environment free of and safe from domestic violence. Domestic violence, which may involve physical, psychological, economic violence or stalking, against a current or former intimate partner, 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 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 violence and to assist employees who are affected by domestic 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:

1. Distribute to all employees and post appropriate information concerning the nature of domestic 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 Violence Hotline and local resources.
3. Provide the union with copies of the information noted in subsection [1] and [2] above for posting on union bulletin boards.
4. Conduct training programs for employees, in conjunction with experts in the field of domestic 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 violence on employees in the workplace, and sources for referrals for assistance. Employees shall also be trained on the provisions relating to domestic 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.

Leave Time

Employees shall have the right to use sick leave, personal leave, annual leave, compensatory time, and any other paid leave for medical appointments, legal proceedings, or other activities related to domestic violence. Such absences shall not be counted against the employee under any attendance policy for disciplinary purposes, and may be taken without prior approval.

If all paid leave has been exhausted and additional periods of leave are needed to attend to medical, legal, or other matters related to domestic violence, the employees shall have the option of taking family and medical leave of up to twelve (12) weeks. The leave shall be unpaid, but the employer shall administer the leave in accordance with the federal Family and Medical Leave Act (FMLA), including but not limited to the FMLA's provisions pertaining to health benefits and job reinstatement.

Transfers and Work Schedules

In order to provide assistance to an employee experiencing domestic violence and to provide a safe work environment to all employees, the employer shall make every effort to approve requests from employees experiencing domestic violence for transfers to other worksites and/or changes in work schedules.

Workplace Safety

The employer shall, in conjunction with experts in the field of domestic violence and the union, undertake a review of all current security procedures to ensure inclusion of specific safety considerations and responses appropriate for employees experiencing domestic violence in their workplace. Based on the review, the employer and the union shall meet to reach a joint agreement on any changes which shall be made to the employer's security procedures. Changes made to the security procedures shall be implemented within six (6) months following ratification of this contract.

Health Insurance

The employer shall allow an employee who presents evidence that she/he is experiencing domestic violence to opt into the employer's group health plan without regard to the plan's open enrollment period, if such employee would otherwise be without health insurance or would be at increased risk of violence by remaining on their partner's health plan. Evidence shall include, but not be limited to, a police report, medical report, statement of a counselor or other shelter staff, injunctive order, declaration of a witness, or the employee's own signed statement.

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 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. 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 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.

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.

SAMPLE UNION RESOLUTION

WHEREAS: Over 5 million acts of domestic violence occur each year against U.S. women age 18 and older; and all too frequently, the battering has fatal consequences; and national crime survey data shows that once a woman has been victimized by domestic violence, the risk of being victimized again is substantial: about one-third of women who are abused are battered again within six months.

AND WHEREAS: Problems of domestic violence spill over into the workplace; and domestic violence is a workplace safety issue, as batterers may pose serious threats to the safety of their partners at their workplaces and to their co-workers; and women who are battered may miss work, have poor job performance and/or are frequently late to work.

THEREFORE BE IT RESOLVED THAT:

[Union] develop educational materials and training for [union] members that provide information on domestic violence.

[Union] assist chapters, affiliates and locals in developing programs and procedures for recognizing and dealing with instances where members, their families, or their job security is threatened as a result of domestic violence.

BE IT FURTHER RESOLVED THAT [union] encourage all members and chapters to:

- support shelters, child care and other advocacy services for battered women and their children through volunteer efforts.
- sensitize society to domestic violence through discussions and informational campaigns.
- urge members of Congress to continue to fund programs for people affected by domestic violence.
- encourage and promote counseling for any member who has been abused or who is an abuser, and to aid the battered woman in relocation if necessary.
- negotiate for paid legal services benefits, and paid leave to address issues of domestic violence.

Domestic Violence Is a Union Issue

Carol has an even deeper appreciation of her job than most workers. It probably saved her life.

“I came from a home background where I was an abused wife,” she said. “At that time, battery of women wasn’t recognized.” Over the years, she frequently called law enforcement. “They wouldn’t help me. Or they would make me leave my house with my five kids. I would have to walk — at two or three in the morning — to my sister’s house, with my kids in tow. I just never knew what provoked my ex-husband. One time I woke up in the hospital and I didn’t know who I was.”

“It took me 18 years to get out of my marriage. The final straw came when he stopped abusing me and started in on my children.” At about that time, Carol found a state job. “I was making \$114 a week — I never got a penny of support — and I decided I could pay the rent and support my children. You get strong from that sense of security.”

Carol was lucky. She escaped her dangerous marriage, and now volunteers at shelters and is frequently called in to counsel co-workers who are in an abusive relationship. She now chairs her state’s Women’s Advisory Committee. “I learned a lot about what a union should be,” she says, “and what a union could do for people like me.”

Carol knows first-hand that domestic violence is a workplace issue. Given that over 5 million acts of domestic violence occur each year against women who are 18 or older in the United States, it is understandable that domestic violence has seeped into the workplace and the effort to stop it is part of the union agenda. Repercussions of domestic violence in the workplace are evident in higher absenteeism, greater need for medical benefits and higher risk of on-the-job violence. No one deserves to be abused, and [name of local] is taking steps to help.

If you are living with domestic violence, the union has resources that can help. We can help you negotiate for flexible work schedules for counseling and court appearances, and for specially trained security if you feel at risk on the job. Talk to your union steward for confidential advice and details.

If you are currently being beaten or hurt in a relationship, there are resources available and people who want to help you. Call 1-800-799-SAFE for help and referrals to people nearby who can help keep you safe.

For more information about talking to women about domestic violence, or speaking out in the community and workplace, call 1-800-END-ABUSE.

This booklet includes both original material as well as materials adapted from publications produced by: the American Federation of State, County and Municipal Employees (AFSCME); the Family Violence Prevention Fund, "The Workplace Responds to Domestic Violence: A Resource Guide for Employers, Unions and Advocates," edited by Donna Norton, Esq., Stephen T. Moskey, Ph.D. and Elizabeth Bernstein (January 1, 1998); and Carole Warshaw, M.D. and Anne L. Ganley, Ph.D., "Improving the Health Care Response to Domestic Violence," (Revised, 1998). For additional information, contact the AFSCME Women's Rights Department, 1625 L Street, NW, Washington, DC, 20036. The Family Violence Prevention Fund can be contacted at (415) 252-8900 or on the Web at www.endabuse.org.



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