

Issue Brief

**Impact of Domestic Violence on
Workers and the Workplace**

**ILO Experts Group Meeting on a
Convention on Violence against
Women and Men at Work**

October 3, 4 & 5, 2016



This briefing on DV at work has been prepared by the International Domestic Violence at Work Network (www.dvatworknet.org). The network is funded by a Canadian Government grant and brings together domestic violence researchers, experts, social and labour organisations, and employers to collect and disseminate information about domestic violence at work. Please contact Barb MacQuarrie at bmacquar@uwo.ca if you have questions about this brief or would like more information.

Briefing: DOMESTIC VIOLENCE AT WORK

DV@Work Network briefing for countries attending the ILO EGM Geneva October 2016

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IDENTIFYING AND ADDRESSING DOMESTIC VIOLENCE AT WORK

The workplace offers unique opportunities to identify situations of domestic violence. Although they may be uncertain of what to do about it, co-workers are often aware of that DV is happening. In Canada nearly 40 per cent of workers believed they have a co-worker who is/was a DV victim and/or perpetrator. Awareness of victimization was more common (MacGregor et al., 2016). Workplaces are uniquely positioned to safely provide support and resources to those who are at risk of harm. Over 40 per cent of Canadian workers experiencing DV did disclose at work, usually to co-workers or supervisors. They received various supports which were generally seen as helpful. Although not common, negative consequences of disclosure were reported. Men were less likely to disclose but few other gender differences emerged. (MacGregor et al., in press)

WORKPLACE IMPACTS OF DV

Although discrimination restricts women's participation in the workplace and labour force participation rates vary significantly, in many countries the majority of women who experience domestic violence are employed. And although both sexes can suffer DV, in most countries it is women and girls who are the primary victims. The impacts of this violence are felt acutely at work, as the findings from a series of national surveys outline below. It also makes the workplace an important site to provide information and resources about domestic violence. The workplace is thus a channel for prevention, for protection and, as seen below in recent labour court/tribunal cases, for punishment/remedy. In Australia two thirds of women experiencing domestic violence are employed (Australian Bureau of Statistics, 2007). Sweden is similar with 67.9 per cent of women experiencing domestic violence reporting that they are employed (Nybergh et al., 2013). In Rwanda the percentage is 52.9 (Thomson et al., 2015) and in the Philippines it is 57 per cent (Philippine Statistics Authority, 2014).

Members of our Network have conducted a series of national surveys to identify the impacts of domestic violence on affected workers, their workplace and the workplaces' responses. Findings across the surveys have consistently found similar negative impacts on attendance, performance and safety. Here are some of the main findings with percentage examples from the national surveys:

	Australia (McFerran, 2011)	Canada (Wethan et al. 2014)	New Zealand (Rayner- Thomas, 2014)	Philippines (ITUC-AP, 2015)	Turkey (CGFT, 2015)	UK (TUC, 2014)
sample size	3611	8429	1626	1084	1715	3449
Employed permanently, full time	65%	75%	79%	65% permanently 85% full time	100%	68%
Any experience of domestic violence	30%*	33.6%	26.4%	21%	75%†	41.6%
DV affected ability to get to work (most common reason)	47.4% (physical injury or restraint)	38% (physical injury and/or restraint)	38.2% (physical injury or restraint)	Nearly 84%	3.3%	43.5%‡ (physical injury or restraint)
DV continued at workplace	16.5%	55.4%	56%	54%	-	12.5%‡
Work performance affected by DV	16.1%	82.4%	90%	75%	65.2%	-
Took time off due to DV	11.7%~	39.6%	52.6%	23%	-	57%‡
Believe DV can impact work lives of employees	99.6%	91.5%	98.7%	92%	99.1%	83.5‡
Believe workplace supports can reduce impact of DV in workplace	78.1%	74.4%	80.3%	92%	-	68.5%‡

* Predominantly intimate partner violence but also includes other family violence, such as from adult children

† Among women only (n = 832)

‡ Approximate

~ Among those whose work performance was affected by DV

See national dv at work survey reports at <http://dvatworknet.org/research/national-surveys>

ESTIMATE OF COSTS OF LOST PRODUCTIVITY AS A RESULT DOMESTIC VIOLENCE

Costing estimates of domestic violence or intimate partner violence tend to be conservative as cost components are excluded from reports because data are unavailable or insufficient. Despite these limitations, the numbers are startling. Data from the U.S. based National Center for Injury Prevention and Control (NCIPC) indicates that abused women lose a total of nearly 8 million days of paid work annually, costing employers almost \$728 million (NCIPC, 2003). Additional losses of \$893 million in lifetime earnings are due to premature mortality by female victims in the United States (Reeves & O’Leary-Kelly, 2007). Other estimates show that U.S. employers lose 3 to 5 billion dollars annually due to domestic violence (Randel & Wells, 2003; Johnson & Gardner, 1999). A 2014 study from New Zealand estimates that domestic violence cost employers in that country at least \$368 million for the year 2014 and if nothing is done, projections indicate that the total costs will be at least \$3.7 billion dollars when combined over the next ten years. (Kahui, Ku & Snively, 2014). A UK study puts economic output losses sustained by employers and employees at £2.7 billion (Walby, 2004). A recent study puts production costs related to the Australian economy at \$2.1 billion in 2014-2015. This represents 6 per cent of the total costs of violence against women in Australia (PricewaterhouseCoopers Australia, 2015). The most recent Canadian study, acknowledging that the estimate is conservative due to the unavailability of data, estimates the annual direct costs to employers due to domestic violence at \$77.9 million (Zhang et al., 2012).

In Chile, women’s lost earnings as a result of domestic violence cost **US\$1.56 billion** or more than 2 per cent of the country’s Gross Domestic Product (GDP) in 1996, and in Nicaragua **US\$29.5 million** or 1.6 per cent of the national GDP in 1997 (Buvinic & Orlando, 1999). In Viet Nam, the out of pocket expenditures and lost earnings by women who experienced domestic violence were estimated at **2.53 billion** in 2010 (UN Women, 2012).

THREATS TO WORKPLACE SAFETY

Work has been identified as the one place that a domestic violence perpetrator can continue to locate their victim, both during the relationship and after separation (Johnson & Gardner, 1999; Paludi, 2012; Scalora et al., 2003). Research reveals a correlation between domestic violence entering the workplace, an escalation of the violence experienced and the risks posed by that violence. In a study of partner stalking (defined as unwanted, repeated attention that is targeted to threaten and invokes fear), 95 per cent of women with violent partners who stalked them experienced harassment at their workplace (Logan et al., 2007). The Ontario Domestic Violence Death Review Committee, which reviews all domestic homicides in Ontario to assess how best to recognize and prevent them, identifies stalking, including stalking at work, as one of the risk factors that can lead to the victim being killed (Office of the Chief Coroner Ontario, 2012). Violent partners or ex-partners who use the workplace to gain access to their partners and ex-partners also pose a risk to co-workers and employers, clients, customers or patients who are in the same workplace.

COST TO THE INDIVIDUAL WORKER: THE LINK BETWEEN ECONOMIC SECURITY, EMPLOYMENT AND REDUCTIONS OF THE IMPACTS OF DOMESTIC VIOLENCE

Among those experiencing DV, women were significantly more likely than men to report: impacts at or near the workplace; negative impacts on job performance; ability to get to work impeded (e.g., car keys or transportation money hidden or withheld); having to take time off due to DV; and job loss due to DV (Wathen et al., 2015). DV is associated with higher stress levels and poorer general health, mental health, and quality of life – but less so for those who are currently working. This suggests that work has a protective effect for those who experience DV (Wathen et al., 2016).

The United Nations Convention on the Elimination of All Forms of Discrimination against Women requires governments to take appropriate measures to eliminate discrimination against women (which includes violence against women) in all areas of life including in employment, and to ensure that women have access to safe and healthy working conditions (CEDAW, 1992).

In the Agreed Conclusions of the Commission on the Status of Women Fifty-seventh session (4 – 15 March 2013) on the elimination and prevention of all forms of violence against women and girls The Commission stresses that the realization of gender equality and the empowerment of women, including women’s economic empowerment and full and equal access to resources, and their full integration into the formal economy, in particular in economic decision-making, as well as their full and equal participation in public and political life is essential for addressing the structural and underlying causes of violence against women and girls. (Commission on the Status of Women, 2013)

The Commission also addresses structural and underlying causes and risk factors so as to prevent violence against women and girls, noting the importance of promoting women’s full participation in the formal economy, in particular in economic decision-making, and their equal access to full employment and decent work; empowering women in the informal sector; and ensuring that women and men enjoy equal treatment in the workplace, as well as equal pay for equal work or work of equal value, and equal access to power and decision-making, and promoting sharing of paid and unpaid work. (Commission on the Status of Women, 2013)

Keeping their job is critical to prevent a woman becoming economically trapped in a violent relationship and is a key pathway to leaving a violent relationship (Patton, 2003).

Yet domestic violence has been linked with more disrupted work histories, lower personal incomes, changing jobs frequently and employment in casual and part time work (Adams et al., 2013; Crowne et al., 2011; Franzway et al., 2015; Moe & Bell, 2004; Swanberg, Logan & Macke, 2005).

Longitudinal American studies, for example, have found that intimate personal violence (IPV) has both immediate and longer term detrimental impacts ‘on women’s job stability not only while the abuse is occurring, but for up to three years after the IPV ends’ (Adams et al., 2013; Crowne et al., 2011). These longer term effects were reflected in a study on absenteeism due to domestic violence, which found that employees with past experience of domestic violence were more likely to be absent than current victims or non-victims. The authors suggested that in the short term, “Attendance at work may be a coping mechanism that helps victims deal with the abuse, or perhaps attendance reflects the strong need of victims to keep their jobs and maintain their economic power as a way out of the abusive situation” (Reeves & O’Leary-Kelly, 2007, p. 339). However, the research findings then linked current victims who were attending work with negative work performance. This suggests that although workplaces may benefit from good attendance of some DV victim-survivors in the short term, employees who attend work with unaddressed issues of partner violence still pose problems for the long-term interests of the workplace. (Reeves & O’Leary-Kelly, 2007)

Recent Australian research examined the longer-term effects on employment following separation from a violent partner. Over half the sample of 658 Australian women were in full-time employment, 25 per cent were ‘professional’, 16.7 per cent ‘clerical/administration’ and 11.2 per cent ‘managers’. Preliminary findings show that the majority (75 per cent) did not continue in the same workplace and that full-time employment decreased to 29.6 per cent after separation from the violent partner. Part-time employment increased and those who were in the category ‘not working and not seeking work’ rose to 16.3 per cent (from 6.1 per cent) after leaving the violence (Franzway et al, 2015).

Examples of national strategies to address domestic violence in the workplace

1. COLLECTIVE BARGAINING

In 2010 Australian unions began logging a domestic violence clause which included dedicated paid leave, training for key personnel, safety planning and no adverse action or discrimination. By March 2016 there were 1234 current enterprise agreements that contain a domestic violence clause, covering an estimated 1,004,720 employees. (Commonwealth Department of Employment Workplace Agreement Database, personal communication, May 2, 2016) These agreements were predominantly in the private sector, across a broad range of industries such as retail, public transport, banking, education, manufacturing, airline and maritime. Coverage in Australia, however, is not limited to enterprise agreements. As signatories to a commitment to economic security for women in the National Plan to Reduce Violence against Women and their Children, all but one Australian government (Commonwealth and State/Territory) have extended domestic violence rights at work to their public services through awards, agreements, directives and circulars.

A number of unions in Canada have existing domestic violence clauses that include dedicated paid leave. Responding to the findings of the 2014 national survey on the impacts of domestic violence on workers and the workplace, the Canadian Labour Congress (CLC) is providing both education and resources for union leaders and negotiators to pursue entitlements to workplace protections including paid domestic violence leave. They have provided principles outlining what collective agreement language should, at minimum achieve, along with model language (CLC, 2016).

2. LEGISLATIVE AND JUDICIAL PROTECTIONS AND ADMINISTRATIVE ACTION:

ITALY

The 2016 Jobs Act provides rights for women victims of domestic violence, with a certified gender based protection path (protection order), to a maximum of three months' paid leave. During the three months they receive full pay, social security and other compensation provided by the employer, and holidays, which are based on the same principles established for maternity leave. Employers, in their income statement, can deduct the amount paid from the social security contributions that they have to pay to the relevant social security institution. Workers also have the right to change from full-time to part-time work at the worker's request, or to take the leave on a flexible basis, for example, on a daily or hourly basis, over a period of up to three years. These requests must be negotiated in collective agreements and discussed with employers and social partners.

UNITED STATES

Currently, the United States does not have federal-level employment protections or supports for survivors of domestic violence. However, the federal government has promulgated several administrative actions providing workplace supports for survivors. The U.S. President ordered all federal government agencies to develop policies to address the workplace impacts of DV and provide assistance to employees who are survivors (Office of the Press Secretary, 2012). In 2012, the U.S. Equal Employment Opportunity Commission (the primary federal employment discrimination investigation and enforcement agency) issued a technical assistance document recognizing that key federal employment discrimination laws could apply to workplace situations involving domestic violence (U.S. Equal Employment Opportunity Commission, 2016). Recently, the U.S. government proposed a regulation requiring federal government contractors to provide paid sick leave to employees, and allowing the use of such leave for reasons related to domestic violence and sexual assault (Department of Labor, 2016).

There has been rapid growth in US state and local legislation and regulations that offer unpaid work leave for victims or use of paid sick leave for DV related issues, prohibit DV-related employment discrimination, increase access to unemployment insurance benefits and increase awareness and safety in the workplace.

CANADA

Domestic violence protections for workers are provided mainly through Occupational Health & Safety (OHS) legislation. Most jurisdictions have a “general duty provision” requiring employers to take all reasonable precautions to protect employees. This provision would include protection from a known risk of workplace violence; when occurring at work, DV is workplace violence. Most provinces, and federally regulated workplaces, have specific workplace violence prevention regulations (CCOHS, 2012). Ontario includes specific responsibilities for employers to prevent and respond to domestic violence in its OHS legislation. British Columbia has a regulation that outlines responsibilities for employers if a DV situation puts the workplace at risk.

Recently the province of Manitoba amended its Employment Standards Code to provide both paid and unpaid leave for victims of domestic violence. Similar legislation has passed second reading in Ontario.

SPAIN AND THE PHILIPPINES

Violence Against Women legislation in Spain and the Philippines has provided paid domestic leave and protection from discrimination since 2004. However, the Philippines domestic violence at work survey (ITUC-AP, 2015) found that respondent’s awareness of legally mandated paid domestic violence leave was low at 39%, and one in four (26%) said employers did not “act in a positive way when workers report their DV experience.”

AUSTRALIA

National employment law in Australia (Fair Work Act) was amended in 2013 included the right to request flexible work for reasons of domestic violence. The Australian ACTU case currently before the national workplace relations tribunal (Fair Work Commission) for ten days paid domestic violence in ‘modern awards’ if successful will extend coverage to a minimum of six million workers nationally. In addition, recent decisions of the Fair Work Commission (FWC) recognize the workplace role in ending DV. One FWC landmark ruling held that employers have an added duty for DV victims as they rely on workplaces for financial/economic security and physical security from abuse (Anti-Discrimination Board of New South Wales, 2015). A second recent decision held that an employee was unfairly dismissed when she returned late to work after attending criminal hearings concerning DV and noted the importance of having DV policies at work for victims to avoid adverse action being taken in relation to their employment (King v. Lee & Lyons, 2016).

3. EMPLOYER SUPPORT FOR WORKPLACE DOMESTIC VIOLENCE PROTECTIONS

TURKEY

The Business Against Domestic Violence (BADV) Project is a creation of the Sabanci University Corporate Governance Forum (CGFT), and the project is designed to implement support mechanisms in the workplace and promote tools, methods and best practices to reduce domestic violence using businesses’ managerial and organizational capabilities. Beginning in 2014, the project aimed to investigate the effect of domestic violence on white-collar workingwomen’s careers and on workplaces in Turkey. The survey was conducted in 19 companies that are signatories of business networks such as UN Women Empowerment Principles and Equality at Work Platform. One of the most important findings was overall responses indicated that 75% of the white-collar women workers experience domestic violence at least once in their lives (CGFT, 2015). Additionally, the results confirmed that women who are subject to DV do not want to share their situation with their employers since they anticipate negative consequences of such disclosure for their employment and career. Results

showed that companies in Turkey should have a written policy about domestic violence and this should be well communicated to all the employees. For this reason the project prepared a “Business Against Domestic Violence Policy Development and Implementation Guide”. In brief, the guide includes details on how to create a corporate policy to combat violence against women, and provides sample policies for adoption or adaptation by companies. Up to now, 17 companies in Turkey, including some multinational companies, have made a commitment to implement the guideline and create their policies (S. Alkan, personal communication, June 30, 2016). In December 2016, these 17 companies will release their domestic violence policies to the public and this is a huge step taken by companies in Turkey about combating domestic violence.

THE PHILIPPINES

Initial responses from the employers have been positive. At the launching of the domestic violence at work survey key findings in September 2015, the People Management Association of the Philippines (PMAP), an organization of over 1,800 member companies and individual management executives committed to collaborate with unions on joint domestic violence prevention. The key findings were presented in one of the concurrent sessions during PMAP’s 52nd Annual Conference in October 2015 [200 delegates]. Similar initial discussions have also yielded interest from the Employers Confederation of the Philippines (ECOP) who agreed to work with unions on joint programs on domestic violence.

AUSTRALIA

Chief Executive Officers from many of Australia’s leading companies publicly endorsed paid domestic violence leave (Male Champions of Change, 2015). According to Telstra Australia, one of the participating employers, the inclusion of 10 days paid domestic violence leave in their Enterprise Agreement 2015-2018 has not ‘opened the floodgates’ with 22 out of a workforce of 32,000 accessing the leave in six months, taking an average leave of 2.3 days (Male Champions of Change, 2015).

A 2015 survey of over one hundred Australian employers who had negotiated a domestic violence clause in their enterprise agreement found very similar results: the average paid domestic violence leave taken in the past 12 months was 43 hours, with a range of 8-202 hours (Gendered Violence Research Network (GVRN), 2015). Per incident, where time off was requested, most took 2-3 days or less. Very few employers “reported that their organisation experienced any challenges implementing the domestic violence clause” (GVRN, 2015, p. 12). Instead, employers reported positive effects in the workplace: “the most common comment from respondents was that having domestic/family violence clauses demonstrated support for staff and resulted in a more positive, supportive work environment” (GVRN, 2015, p. 12). Other positive effects noted by respondents were: the clause raised awareness of the issue within the workplace and reduced stigma, enhanced overall employer reputation and status, staff were able to take leave without stress, improved cooperation with unions which helped with bargaining, employees felt more comfortable and confident speaking to management about requesting support, and contributed to morale-building within their organisation.

The Tasmanian maker of the iconic Australian boot, Blundstone, adopted 10 days of domestic violence leave for its 90 workers: “We put an enormous amount of investment in people, and it disrupts small to medium size businesses a lot if they lose their good people...There is a straight out business imperative to get involved here” This prompted the Tasmanian Chamber of Commerce to comment: “We’re certainly hearing from a number of members who are going down this path...of providing a very clear way for their staff members to take time to sort these issues out, because quite often the only time that people can access the sort of support structures they need...is through working hours.”

CANADA

Based on a survey of members of the Conference Board's Leadership and Human Resources Research executive networks, the report finds that 71 per cent of employers reported experiencing a situation where it was necessary to protect a victim of domestic abuse. Given these situations, it is not surprising that 63 per cent of employers reported having implemented a domestic violence policy that is either stand-alone or a subset of a broader workplace policy (Conference Board of Canada, 2015).

While the prevalence of supporting victims of domestic violence is similar across industries, employees working in the finance, insurance, accommodation and food services, and retail trade were found to be the most likely to have needed to support a victim of domestic violence (82 per cent). They were followed closely by employees working in high technology, professional scientific and technical services, utilities, communications and telecommunications (80 per cent; Conference Board of Canada, 2015).

DOMESTIC VIOLENCE PERPETRATORS AND THE WORKPLACE

As is the case for victims of DV, it is likely that perpetrators' preoccupation, anger, and distress around DV issues impacts workplace safety and productivity. One of the few past studies on the impact of DV perpetration on the workplace was done in Vermont, USA and assessed the experiences of 193 men attending 43 batterer intervention programs (Schmidt & Barnett, 2011). This survey found that 75 per cent of offenders had a difficult time concentrating while at work and more than half (53 per cent) felt that their work performance was negatively affected as a result of DV perpetration issues. Almost one-fifth (19 per cent) reported causing or nearly causing workplace accidents due to preoccupation with their abusive relationship and 31 per cent took paid or unpaid time off to deal with the aftermath of their DV situation or to continue the abuse (Schmidt & Barnett, 2011).

An earlier study from Maine found similar results where offenders reported that domestic violence affected their job performance (41 per cent), caused them to have difficulty concentrating (48 per cent) and was a factor in a work accident or near miss (19 per cent; Reckitt & Fortman, 2004).

In addition to documenting and understanding impact, workplace education and human resources policy must be able to address the experiences of DV perpetrators, as well as victims. Lost work productivity and time, as well as decreased work performance are experienced by victims and perpetrators alike, making it necessary for employers to be responsive toward both parties. More importantly, in reviewing cases of domestic homicide, it has been found that friends, family and colleagues of victims of DV homicide, including work colleagues, are often aware of the abuse occurring, but unaware of how to intervene (Campbell, Dawson, Jaffe & Straatman, 2016). For example, a recent Washington review revealed that 31 per cent of case victims reached out for help in the workplace (Washington State Domestic Violence Fatality Review, 2013). Such missed opportunities for DV intervention and prevention demonstrate that it is critical for workplaces to appropriately respond to the DV situations of workers.

See www.dvatworknet.org for more information

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