

Briefing 3: The Covid-19 crisis and work-related domestic violence supports in the longer-term¹



This is the third of a series of short briefings intended for a diverse audience to rethink policy and practice during the Covid-19 crisis and beyond. Our main focus is on **stakeholders from the world of work** (companies, employers, business associations, workers and trade unions). These briefings are also relevant for the policies and actions of international organisations, government agencies, NGOs and domestic violence support organisations.

We have written this briefing out of a concern for the need for urgent policy and workplace responses in the light of the Covid-19 crisis, but also because we believe that the crisis has opened up a possibility to develop new thinking and solutions to the problems we confront during this crisis and post-crisis.

1. Introduction

This briefing aims to raise awareness and start a conversation about longer-term changes in policy and practice. The unprecedented Covid-19 public health crisis brings the need for systems change in order to provide greater safety for those who experience domestic violence into sharp focus. Doing more of the same is no longer enough. The proposed changes will ensure greater safety during times of crises when working from home is the reality for many workers, but they are also relevant in the longer-term for when working remotely is the norm, even without the pressures of a pandemic.

In Briefings 1 & 2 **we gave suggestions for immediate and urgent responses to ensure the safety of employees and explained what the ‘duty of care’ means for employers** in relation to information, support, security measures and emergency assistance when employees are affected by domestic violence during the lockdowns and confinements across the world. An employers’ ‘duty of care’ for their employees is central to this discussion. The challenge to fulfil this duty is much greater during these unprecedented times when many people are working remotely and tele-working.

It is critical to make home a safe place for survivors of domestic violence and their children. Removing perpetrators from the home is the most effective way to limit the disruption to survivors’ lives, safety and security during the Covid-19 crisis and in the longer-term.

Domestic violence affects a workers’ participation in work, their productivity and achievement of work tasks and targets, as well as their health. The many work-related impacts of domestic violence are

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already recognized in a growing number of government policies, regulations and laws, in company and corporate initiatives, and in workplace policies and collective agreements in countries across the world.

2. What changes are needed in the longer-term?

The increase of reported domestic violence cases during the Covid-19 crisis has laid open the need for longer-term systems change. We need to rethink what we are doing.

Employers can take bold actions and put in place new and effective measures to increase awareness, provide information and support, implement workplace policies and training, and build trust with employees who are survivors of domestic violence. This also means supporting the introduction of new measures to enable survivors and their children to stay safely in their homes and to recognize that coercive control and psychological abuse are also dangerous forms of domestic violence.

Governments can be proactive by ratifying **ILO Convention No. 190 on eliminating violence and harassment in the world of work.**² Even if not ratified the Convention and accompanying ILO Recommendation No. 206, agreed in June 2019, provide a comprehensive and internationally agreed framework for addressing domestic violence in the world of work, while also spelling out specific duties on employers. The Convention notes that workplace violence and harassment can take place in the public and private places where people work. It places responsibilities on ratifying governments, and in turn duties on employers, to mitigate the effects of domestic violence where it affects the workplace. In line with ILO Convention No. 190, it is important to ensure that employers and workers jointly discuss measures to prevent and mitigate the effects of domestic violence in the world of work, and to see their inclusion in occupational health and safety practices, risk management in the workplace, workplace policies and procedures and collective bargaining agreements.

LONGER-TERM ACTIONS FOR EMPLOYERS

The following are some longer-term actions that can be put in place:

- Use the learning from the Covid-19 crisis to think and act in new and innovative ways, including supporting actions that enable survivors of domestic violence, and their children, to stay in the safety of their own homes.
- Put in place comprehensive, evidence-based policies and procedures to address the work-related effects of domestic violence, whether an employee is working from home or not.
- Build trust with employees so that they feel safe to disclose domestic violence and take up support.
- Ensure there is a culture of safety, support and non-retaliation if a survivor discloses.
- Implement evidence-based risk management to prevent further harm from domestic violence, by conducting risk assessments and creating safety plans. Where relevant these can be carried out in partnership with domestic violence organisations. It is

² For the text of these new international labour standards see: Eliminating Violence and Harassment in the World of Work: ILO Convention No. 190, Recommendation No. 206, and the accompanying Resolution: https://www.ilo.org/global/publications/meeting-reports/WCMS_721160/lang--en/index.htm

important that risks are addressed comprehensively and safely in all workplace settings, including for remote working.

- Train managers, team leaders and workers on the workplace policy and how to effectively recognise and respond to workplace disclosures by survivors of domestic violence.
- Ensure that HR advisors are equipped to provide advice, information and guidance for managers, team leaders and workers, for example, through a dedicated unit.
- Put in place a network of workplace advisors/advocates who are trained to give non-judgmental and confidential advice, information and support to survivors. They can also assist managers and team leaders in giving support to their colleagues.
- Ensure that Employee Assistant Programmes (EAP) advisors are effectively trained and prepared to provide tailored non-judgmental guidance and support, to make referrals to specialist legal and domestic violence services, and where appropriate, work with domestic violence resources and experts.
- Establish clear guidelines on how to hold perpetrators of domestic violence who are employees accountable.
- Work with other employers, companies and workers' and employer's organisations to raise awareness of the impact of domestic violence in the world of work and leverage resources to this effect.
- Establish partnerships with domestic violence organisations where survivors can be referred for information, specialist legal support, counselling, safety planning and good quality safe housing.

LONGER TERM ACTIONS FOR GOVERNMENTS

In addition to the measures discussed above, we call on governments to address domestic violence as a workplace issue in both public and private work settings:

a) Introduce progressive legal framework for addressing domestic violence as a workplace issue

- At a minimum include workplace supports for survivors of domestic violence, including paid domestic violence leave, protection from adverse/retaliatory action if an employee discloses, and workplace risk assessments and safety plans in order to prevent domestic violence in the workplace.
- Additional legal provisions could include requirements on employers to implement policies and procedures, including regular reviews of their effectiveness.
- Domestic violence in a work context should be defined in the law as a safety and health issue, specifying that that domestic violence is an occupational health and safety hazard and that the employer has a 'duty of care' that extends to employee safety when working at home.

- Extend definitions of domestic violence to include coercive control and psychological abuse as a harmful form of domestic violence that impacts on employment and the workplace, and treat it as seriously as physical violence, in line with recent legal changes in the UK and Ireland.
- Fund implementation and review processes through a national agency e.g. on occupational safety and health body with national resources for:
 - Implementation of domestic violence provisions and review of how employers and companies are implementing the provisions, with the aim of establishing good management practices.
 - Establishment of training standards for implementing good management practices delivered by the national agency, contractors and training providers.
 - Monitoring and evaluation of the implementation of domestic violence provisions, including the documentation of good practices e.g. safety measures and systems to ensure confidentiality.
- Ratify ILO Convention No. 190 and use the provisions in Convention No. 190 and Recommendation No. 206, as a guide for introducing duties for employers and involvement and consultation of workers, to carry out risk assessments, draw up workplace policies, and other provisions to support survivors, until the Convention is ratified.

b) Implement comprehensive prevention and response measures

- Raise public awareness about the increasing risks of domestic violence during times of crisis, the implications this has for employees working from home and the duties of employers to prevent and protect their employees.
- Ensure that first responders including police, health and social services, and others, can trigger safety protocols to enable survivors and their children to safely stay in their own homes.
- Ensure that the courts and police have the powers to remove perpetrators from the family home as a response to the use of safety codes or alarms introduced by employers, or in the case of emergency codes in pharmacies and grocery stores, such as those introduced during the Covid-19 crisis in several countries, including in France and Spain.
- Prevent domestic violence, including its impacts in the workplace, by implementing evidence-informed measures to hold perpetrators accountable.
- Prevent domestic violence, including its impacts in the workplace, by working to change social norms and toxic-masculinity through evidence-informed measures, such as

perpetrator treatment and counselling programmes and longer-term measures working with men and boys to change behaviour.³

- Collect consistent and comparable gender disaggregated data on domestic violence and domestic homicide and the workplace impacts.
- Measure any increases in rates of domestic violence and domestic homicide during crises such as the Covid-19 pandemic through collecting consistent and comparable gender disaggregated data on domestic violence and domestic homicide.
- Cooperate at the global level (UN Women, ILO, WHO and UNFPA) to ensure agreed international definitions of domestic violence as a basis for comparable and consistent data collection across the world.

³ A separate briefing will be available on working with perpetrators who are employees. See for example: https://ec.europa.eu/info/publications/eu-mutual-learning-programme-gender-equality-preventing-domestic-violence-men-and-boys-challenges-and-opportunities-sweden-16-17-september-2019_en