



Alberta Federation of Labour

DOMESTIC VIOLENCE IS A WORKPLACE ISSUE

**It's time to make a real commitment to addressing
violence against women**

INTRODUCTION AND BACKGROUND

The Alberta Federation of Labour and its affiliates believe that we must push for greater public recognition of the scale of violence against women in Alberta and work together to make it stop. This policy statement will focus on the obstacles that have been identified in terms of effectively addressing domestic violence in the workplace and outline the steps that need to be taken to overcome these barriers. This policy statement will also affirm the Alberta Federation of Labour and its affiliates' commitment to working with the ACWS and HSAA on a project to address violence in the workplace.

The numbers speak for themselves:

- Between 2000 and 2006, approximately one-third of all homicides in the province were related to domestic violence: 170 people died.

Alberta's shelter network is busy - between April 1, 2007 and March 31, 2008:

- Over 12,000 women and children were resident in Alberta's shelters.
- Over 14,000 women and children sought shelter but the shelters were not able to take them in.
- Shelters handled nearly 70,000 crisis calls.
- 88% of women resident in emergency shelters were assessed as being at further risk or serious risk of assault or homicide. This marks a 10% increase over the previous fiscal year.¹

Despite the tireless work of professionals at women's shelters, academics, advocates and individuals, violence against women remains a taboo. The numbers are striking and shocking; their persistence is appalling and frustrating. And despite the term "domestic" violence, violence against women is a workplace issue. Perpetrators harass women while

¹ Source: Alberta Council of Women's Shelters: Annual Statistics, September 5, 2008, Domestic Violence Information http://www.acws.ca/annual_stats.php.

they work. Aggressive intrusions include persistent and abusive phone calls and emails, stalking, appearing unannounced and uninvited at the workplace. Women who are victims of abuse might have higher levels of absenteeism – injuries or stress might make it difficult or impossible for victims to perform their duties. Lethal violence can also enter the workplace directly. The brutal murders on December 6, 1989 of 14 women in an engineering classroom by Marc Lepine stands out as Canada's most shocking example.

Alberta has the worst record in Canada. This province has more domestic assaults, homicide-suicides (usually a man murdering a female partner and then killing himself) and stalking than all the other provinces. Alberta is third when it comes to domestic homicide. Several recent high-profile domestic violence murders have had severe ramifications for workers in Alberta. The horrific murder-suicide in Calgary in May 2008, in which Joshua Lall killed his wife, two of their young daughters and a female tenant shattered the lives of family members and colleagues of all three adults. The colleagues of Liana White, who was murdered by her husband in Edmonton in 2005, are still suffering from the loss of their colleague. While these murders may have taken place outside the walls of the workplace, the co-workers of these victims and, in the case of Joshua Lall, colleagues of the perpetrator, have suffered shock and terrible loss, as well as the sense of helplessness that is felt by many of us who are touched by domestic violence.

When confronted with horrific cases like these or when we see signs that make us wonder if a colleague is safe at home, we are often at a loss for how to help. Over the past several years, in part due to the increase in high-profile murder suicides, Albertans have started to talk more openly about domestic violence. Employers and unions are looking for ways to address the impact of domestic violence in the workplace which means that we are starting to take the biggest step of all – to recognize that domestic violence is a workplace issue and that we need tools, policies and education to protect women and prevent violence.

It's Time For Better Tools

While there has been legislation² in place for years and specific strategies have been developed for employers and unions to address domestic violence in their workplaces, little progress has been made. The Health Sciences Association of Alberta (HSAA) has taken the visionary step of supporting the Alberta Council of Women's Shelters (ACWS) in a five-year project to develop an effective toolkit to address domestic violence in the workplace. ACWS and its member shelters are experts in the dynamics of family and intimate partner violence. ACWS conducts ongoing research and provides public awareness and training; the shelters are involved in implementing appropriate and consistent prevention, intervention and crisis management for abused women and their

² Under current Alberta occupational health and safety legislation, organizations are required to respond appropriately to violence, including family violence. Categories of workplace violence are: stranger violence (such as robbery), client/customer violence, co-worker violence and violence related to domestic issues. Source: OHS Code and Health and Safety Tool Kit as cited in: ACWS media release: ACWS Partners with HSAA to Address Violence in the Workplace, November 2007.

dependents.³ In the first phase of the project, ACWS has found that businesses and unions are eager for information and tools and they want it now. The need is obvious. Less than 50% of workplaces have policies and strategies in place and there is strong anecdotal evidence that even those workplaces that have policies find it very challenging to put them into practice.

On December 6, 2008, the Alberta Federation of Labour's Women's Committee held a conference on domestic violence which brought together women from the labour movement and community organizations. They assessed why the strategies to address domestic violence in the workplace, in our communities and in society are not working and what we need to do to make real progress on this issue.

DOMESTIC VIOLENCE IN THE WORKPLACE

Domestic violence is a pattern of behaviour demonstrated by a perpetrator to control a victim and can encompass physical abuse, sexual abuse, psychological and emotion abuse and social isolation. Women who are repeatedly subjected to this abuse may react in a number of ways, including: trying to hide the abuse from others around her; believing that no one will or can help her; underestimating her ability to do things; or believing that she can't take care of herself. There are many reasons why a woman cannot or will not leave an abusive situation, including: economic dependence; fear of greater physical danger to herself and her children if they try to leave (leaving increases the chance of physical harm, including increasing the chance of being killed by 75%); social isolation and lack of knowledge about real or perceived barriers to or actual shortage of support if she does leave, etc.

Again, the numbers speak for themselves:

Domestic violence in the workplace has been identified as the fastest growing type of workplace violence in Canada.

- Less than 50% of Canadian workplaces have policies to manage this risk.
- 70% of domestic violence victims are harassed or attacked at work.
- 68% of Alberta victims report being harassed at work; 50% interfered with at work; or 47% partner refused to let her work.
- Over 75% of perpetrators who have been charged used workplace resources.⁴

Impact of domestic violence in the workplace

Abusers often seek to control women while they are at work and use a number of invasive tactics to ensure that women do not feel completely safe at work; for example, abusers can inundate their victims with constant phone calls and emails, they can monitor

³ ACWS media release: ACWS Partners with HSAA to Address Violence in the Workplace, November 2007.

⁴ Source: Alberta Council of Women's Shelters: Annual Statistics, September 5, 2008, Domestic Violence Information http://www.acws.ca/annual_stats.php.

a woman's email, and they can insist that they pick up their victim's paycheque each payday. Abusers often continue their abusive behaviour at the workplace by stalking women and interrupting them with visits, seeking to embarrass the victim in front of her colleagues, and by "keeping watch" and attempting to frighten and intimidate the victim.

Women who are abused can find it difficult to concentrate on their work and their job performance can suffer as a result. Women who are suffering from abuse might also miss work, be late, make mistakes on the job, and their injuries, both physical and psychological, might mean that they take more sick days or use more health-care benefits.

Research into the impact of domestic violence at work has shown that the violence not only affects the victim at work, but also her colleagues and the workplace as a whole. There is often an emotional toll on everyone involved and a possible loss of production. Violent incidents can lead to higher turnover, as well as damage to property, impact on an organization's public image and even the potential of liability for the employer. In the worst possible case, this violence can lead to the death of a worker.

It is very important for women who are victims to have good employment opportunities. The work and the wages they earn can provide resources to support themselves and their families. Benefits such as employee assistance programs (EAPs) and access to community services are often very helpful for women in abusive relationships. Though abusers can try to control a woman while she is at work, she is safer when working in a supportive environment. Employers who provide support and help to a victim see an increase in loyalty and morale in, not only the victim, but also amongst her co-workers because employees feel supported and protected.

Strategies and actions for both employers and unions to address domestic violence in the workplace exist. Implementing them effectively has proven difficult.

Why haven't employers and unions implemented effective strategies to address domestic violence?

The Alberta Federation of Labour Women's Committee conference on domestic violence in 2008 focused on identifying the barriers to the implementation of effective strategies to address domestic violence in the workplace, and to suggest steps that need to be taken to overcome these barriers.

- I. **Domestic violence is not yet recognized as a workplace issue**
Despite the obvious impact that domestic violence has on the workplace, the sentiment still persists that domestic violence is a "private" issue. As a result, employers do not seem to be interested in addressing the issue and feel that it is simply too big and too difficult an issue to try to tackle in their workplaces. Employers often only discover that an employee is a victim of domestic abuse after a disciplinary process has started, due to a woman's decreased job

performance, conflicts with co-workers, absenteeism, etc. At this stage, women can be at risk of losing the relative stability and security of her employment.

2. Workers are not equipped

Workers feel that they do not have the right tools, skills or resources to be able to identify signs of domestic violence and do not feel they could intervene and provide a co-worker with help. Stressful and heavy workloads which are the norm across most workplaces, make workers reluctant to become involved in their co-workers' personal lives or "problems." Workers are also afraid of putting a working relationship at risk by asking if a colleague is being abused.

3. No time and risk of resentment

There is also a risk, because of these heavy workloads and a lack of time to socialize at work that workers will resent having to "pick up the slack" because abused women are not performing in their jobs. This strain on other employees can lead to resentment of co-workers suffering abuse.

4. Domestic violence is still taboo and the stigma persists

The persistent stigma attached to domestic violence makes a victim hesitant to reveal that she is being abused. Workers do not have confidence that such an admission will be kept confidential or that the right channels for support and counselling exist. Women might feel that co-workers or employers are not able to provide help or support – a woman might fear for their safety if they become aware that she is being abused and she may wish to maintain a façade that she is not suffering or in danger because she is embarrassed or fears gossip.

Overcoming obstacles to address domestic violence in the workplace

There is a clear consensus that employers and unions both have a responsibility to improve on the work that they have started when it comes to developing and implementing strategies to address domestic violence in the workplace. Education and training for employers, employees and the general public were cited as paramount to breaking down the taboo of domestic violence and ensuring that effective tools are developed and used to help women in violent situations. Furthermore, there is an important role for government to play in strengthening laws and enforcement and providing funding for education, as well as for shelters and transitional accommodation for victims of domestic violence.

I. Education is everyone's responsibility

Employers, unions and the government must dedicate more time and funds to effective education and information programs. Employers must be educated on the cost-effectiveness of preventing and dealing with domestic violence. Management must also be educated about the impact of domestic violence in the workplace and understand how employers can help. Training must be provided for various levels of intervention, from providing concerned colleagues with the

tools to ask if a co-worker is in trouble, to more advanced interventions that may include direct counselling, legal advice, etc.

Public education, as well as programs targeted to workers and employers, is essential if we are to break down the taboo and eliminate the stigma attached to domestic violence. Such campaigns should include posters, newsletters and films, as well as information about support available to victims.

Education and training must also include men because most men are not abusers. Involving men in education both at the workplace and through public education is essential. Men are necessary and valuable allies in the fight to breakdown the taboo that surrounds domestic violence and to tackle the problem. Education for perpetrators is also important. Perpetrators can be union members as well and some unions and employers are in the difficult situation of having perpetrators and victims working together.

Union committees, in particular women's committees and education committees, should ensure that appropriate education and training programs are developed and implemented for all their members.

2. **A stronger role for employers**

It is crucial that employers recognize that domestic violence is a workplace issue and can have a serious impact on all employees. Both employers and unions should consider policies analogous to **duty to accommodate** policies to encompass the effects of domestic violence.

Employers must also ensure that the worksite is safe for all employees and provide appropriate security measures to protect women from harassment or attack at work. Employers have more to gain from recognizing and developing real programs and policies than they have to lose. A violent incident can cause damage to property and loss of public credibility for the employer in terms of public trust in the organization or business and may result in loss of life for an employee.

Employers working with unions can develop zero-tolerance policies in combination with measures that **create a workplace culture of safety and caring**. A respectful work environment will ensure that all employees, including women who are victims of domestic violence, feel comfortable talking about abuse or other issues.

3. **What can unions do better?**

Unions clearly have a stronger role to play in terms of education and training. Unions should actively support the wide dissemination of the HSAA and ACWS tool kit when it becomes available, not only to stewards and other union officials but to all rank and file workers, unionized or not. Unions have an important role

to play to ensure that this valuable information and essential tools be shared and implemented.

Unions are also responsible for ensuring that workplaces are safe and that women are protected from harassment or attack while at work. Strategies to prevent and deal with domestic violence should be part of health and safety policies and violence in the workplace training should be mandatory for all.

Education and training should also provide unions with tools to ensure that protective provisions are included in bargaining. Unions should also provide more informal support, perhaps through a “social” steward or a committee where victims feel safe discussing abusive situations.

4. Government must also assume its responsibility

Better laws and better enforcement is crucial to providing victims of domestic violence with the protection and safety they deserve. The provincial government should support (with tax incentives or grants) employers who seek training to be able to assess and assist victims of domestic violence in their workplaces.

Government officials also need more training and should improve their levels of expertise on domestic violence in the workplace. Above all, the provincial government has the responsibility to recognize the scale of the issue and its impact on Albertans and implement an effective public education program.

CONCLUSIONS AND ACTION

Clearly, much work remains to be done. We are making progress, and the ground-breaking project by the Alberta Council of Women’s Shelters and the Health Sciences Association of Alberta will provide all of us – unions, employers, government and the general public – with much-needed and desperately sought-after tools to deal with domestic violence in the workplace. This project is on the cutting edge. Most work on domestic violence, both in Canada and internationally, has neglected to address the impact on the workplace. With the release of the first set of findings in July 2009, the Alberta Federation of Labour and its affiliates will be well placed to help take the research into the workplace and provide opportunities to test the new tools and give vital feedback.

The Alberta Federation of Labour and its affiliates will:

- Advocate that domestic violence be recognized as a workplace issue;
- Support the work of the Alberta Coalition of Women’s Shelters and Health Sciences Association of Alberta as they develop a tool kit to address domestic violence in the workplace;

- Integrate the tool kit into AFL policy and encourage affiliates to do the same;
- Assist in developing policies and piloting programs in the context of the project;
- Call for the development of workplaces with a culture of safety and caring;
- Support unions in bargaining for language that provides protection for victims of domestic violence (see Sample Language for Unions to Consider in Bargaining Proposals – annexed to this statement); and
- Work with employers to ensure that protection of workers and prevention of harassment and attack at work are included in health and safety strategies.

ADDENDUM

(source: <http://www.afscme.org/publications/3108.cfm>)

**American Federation of State, County and
Municipal Employees – AFL-CIO****SAMPLE UNION CONTRACT LANGUAGE****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.