EMPLOYERS NEED TO PROACTIVELY ADDRESS DSV

Domestic, dating, sexual and stalking violence are workplace issues that do not stay at home when victims and perpetrators go to work. DSV can compromise the safety of employees and directly interfere with the work of an organization, by decreasing morale and productivity, as well as by increasing absenteeism and health costs. The CDC estimated that the cost of intimate partner rape, physical assault and stalking totaled $5.8 billion each year for direct medical and mental health care services and lost productivity from paid work and household chores. Of this, total productivity losses accounted for nearly $1.8 billion in the United States in 1995. When updated to 2003 dollars, the cost of intimate partner rape, physical assault and stalking is more than $8.3 billion.

Proactively addressing DSV is a good practice for employers. “94% of corporate security and safety directors at companies nationwide ranked domestic violence as a high security concern.” In addition, 55% of senior executives believe domestic violence hurts their businesses productivity, 61% indicated that their insurance and health care costs increased due to domestic violence, 70% found their worker attendance affected by domestic violence, and 55% found domestic violence to be a cause of employee turnover.

In addition, employers have legal obligations to address DSV, which implicate a broad range of existing federal and state labor and employment laws. For example, perpetrators of sexual assault may be supervisors, managers, co-workers, customers or clients. As a result, an employer’s legal obligations to respond to and remedy sexual harassment claims pursuant to Title VII of the Civil Rights Act of 1964 may be triggered by acts of DSV. Furthermore, an employer may also need to meet its Americans with Disabilities Act obligations to accommodate victims with disabilities as a result of the violence.

Looking at DSV from a business perspective, employers have financial, in addition to ethical and legal, incentives to proactively address the needs of employee-victims and employee-perpetrators.

THE WORKPLACE CONSEQUENCES OF DSV FOR EMPLOYEES EXPERIENCING VIOLENCE

Domestic violence intersects with employment in myriad ways. A 2006 national survey found that 21% of full-time employed adult respondents (women and men) identified themselves as victims of intimate partner violence. The same study reported that: 64% of domestic violence victims found that their ability to work was impacted by abuse; 40% experienced “harassment by an intimate partner at work (either by phone or in person),” and 34% reported that “fear of intimate partner’s unexpected visits” caused reduced productivity. Batterers undermine their victims’ work by preventing them from getting to work on time or at all, disabling their car, hiding or taking their car keys, slashing their tires, taking or hiding their cash, or sabotaging childcare. Another study found that 56% of battered women arrived at work one hour late...
five times per month because of the abuse. A different survey found that 74% of working female domestic violence victims were harassed at work by their partner. Female victims of rape or sexual assault report diminished work functioning for up to eight months following the attack.

According to a 2006 study from the U.S. Bureau of Labor Statistics, nearly one in four large private industry establishments (with more than 1,000 employees) reported at least one onsite incidence of domestic violence, including threats and assaults, in the past year, and the U.S. Department of Justice estimates that eight percent of rapes occur while the victim is working. Also very troubling is the fact that nearly 33% of women killed in U.S. workplaces between 2003 and 2008 were killed by a current or former intimate partner.

According to the CDC, domestic violence victims lose a total of nearly 8 million days of paid work, the equivalent of more the 32,000 full-time jobs, and nearly 5.6 million days of household productivity as a result of abuse. In 2000, 36% of rape/sexual assault victims lost more than 10 days of work after their victimization. Two recent studies of partner stalking of survivors found that between 15.2 and 27.6% of women reported that they lost a job due, at least in part, to domestic violence. Similarly, almost 50% of sexual assault survivors lose their jobs or are forced to quit in the aftermath of the assaults. A recent U.S. DOJ study reveals that more than half of the stalking survivors surveyed lost five or more days from work, and 130,000 survivors reported being fired from or asked to leave their jobs because of stalking. A U.S. General Accounting Office study found that close to 50% of sexual assault victims lost their jobs or were forced to quit following their assault.

THE WORKPLACE CONSEQUENCES OF EMPLOYEES WHO ARE DSV PERPETRATORS

One over-looked element of DSV and the workplace is that employees may be perpetrators of violence. People who perpetrate abuse often use workplace time, resources and property (company telephone and computer, company car, etc.) to do so. One study found that 78% of abusers reported using employer resources in connection with an abusive relationship. In addition, “48% of abusers reported having difficulty concentrating at work and 42% reported being late to work.” Perpetrators of violence may also present with absenteeism and may cause accidents or endanger their colleagues. A 2012 study of domestic violence perpetrators in Vermont found that 80% of the perpetrators said their own job performance was negatively affected by their perpetration of domestic violence. Of the perpetrators surveyed, 19% caused or almost caused an accident at work. In many cases supervisors were aware of the perpetrator’s behavior but failed to confront/admonish the employee about it.

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National Safe Workplace Institute survey, as cited in "Talking Frankly About Domestic Violence," Personnel Journal, April, 1995, page 64. NOTE: The National Safe Workplace Institute is now called the National Institute for School and Workplace Safety.


According to one study, 74% of victims are harassed at work by their abuser. Id. at 12 (citing Victim Services of New York, Report on Costs of Domestic Violence, (1987)).

Weiser, Wendy R. & Widiss, Deborah A, supra n. 15, at n. 3. (See McFarlane, J., Malecha, A. Gist, J, Schulz, P. et al., Indicators Of Intimate Partner Violence In Women’s Employment: Implications For Workplace Action, AAOHN Journal (2000) 48(5), 215 (44% of domestic violence victims surveyed were left without transportation to get to work when their abuser disabled their car or hid their car keys).


Corporate Alliance to End Partner Violence, Facts and Statistics: Workplace Statistics, supra n. 12 (citing U.S. Centers for Disease Control, Costs of Intimate Partner Violence Against Women in the United States (Apr. 28, 2003)).


Baum, K., et al., Bureau of Justice Statistics, U.S. Dep’t of Justice, Stalking Victimization in the United States. 1 (2009), http://bjs.ojp.usdoj.gov/content/pub/pdf/svus.pdf. (Please note that 130,000 is not the number of stalking victims nationwide who were terminated but is the number of respondents to the survey).


Id. at 598.

Michele Cranwell Schmidt & Autumn Barnett, Vermont Council on Domestic Violence, Center for Rural Studies at the University of Vermont, & Violence Intervention and Prevention Programs at Spectrum Youth & Family Services, Effects of Domestic Violence on the Workplace: A Vermont survey of male offenders enrolled in batterer intervention programs, January 2012, pg. 5.

Id. (83% of supervisors were aware of why respondents took time off of work due to their domestic violence offense; however, only 32% of supervisors gave any response to the employee about his domestic violence incident, his behavior, or his relationship in general).