



AMERICAN BAR ASSOCIATION

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Statement of

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on behalf of the

AMERICAN BAR ASSOCIATION

submitted to

SUBCOMMITTEE ON EMPLOYMENT & WORKPLACE SAFETY

**COMMITTEE ON HEALTH, EDUCATION, LABOR AND
PENSIONS**

UNITED STATES SENATE

on the subject of

Domestic Violence and the Workplace

April 17, 2007

Chair Murray, Senator Isakson and Members of the Subcommittee on
Employment and Workplace Safety:

I am Pamela Brown, Chair of the American Bar Association's Commission on Domestic Violence. I submit this statement at the request of the President of the American Bar Association, Karen Mathis, to voice the Association's views on the important issue of the impact of domestic violence on America's workplaces and the creative responses that employers have taken and should continue to take to meet the needs of their employees who are survivors of domestic violence.

The American Bar Association is the world's largest voluntary professional association with a membership over 413,000 lawyers, judges and law students including a broad cross-section of attorneys representing employers and employees, family lawyers, and those advocating for victims of domestic violence.

I want to first commend the Chair for her strong leadership over the years in raising awareness about the impact of domestic violence on the workplace and the need to provide support and guidance to victims and employers to address this epidemic.

Domestic violence is a pattern of behavior in which one intimate partner uses physical violence, coercion, threats, intimidation, isolation and emotional, sexual or economic abuse to control the other partner in the relationship. The violence is not defined by physical acts, rather it is a combination of factors that impact the entire family and community, which can ultimately affect workplace. Abuse knows no economic, racial, ethnic, religious, age or gender limits – no one can count on not being a victim in their lifetimes. Although anyone, regardless of gender may be a victim of domestic violence, women are at a significantly greater risk of intimate partner violence than men.

By conservative estimates, 1.5 million women in the United States are assaulted by their intimate partners every year.

Many survivors and perpetrators of domestic violence are employed and the perpetration of violence impacts their work performance, their co-workers and their workplaces. Research and surveys of employees, victims, and perpetrators of domestic violence in the last few years have allowed us to have a clearer picture of this impact. In 2005, a national benchmark survey of 1200 employed adults (age 18 plus) by the Corporate Alliance to End Partner Violence found that intimate partner violence has a wide and far-reaching effect on Americans' working lives: 44% of employed adults surveyed personally experienced domestic violence's effect in their workplaces; 21% of respondents (men and women) identified themselves as victims of intimate partner violence; and 64% of victims of domestic violence indicated that their ability to work was affected by the violence.

Studies and surveys of survivors of domestic violence who work indicate that: 30%-53% of employed victims of domestic violence lose their jobs due, at least in part, to the domestic violence; 47% reported being assaulted before work; 67% said the perpetrator came to the workplace and 96-98% of employed domestic violence victims experienced problems at work related to the violence. Some of the work-related problems experienced by survivors because of the violence include missing days of work to go to civil or criminal court to obtain a protection order or to testify, and missing days of work to heal from injuries caused by domestic violence. In addition, the perpetrator of domestic violence may stalk, or harass the victim at her workplace including making numerous calls threatening her or coming to the workplace which affects her ability work

effectively. In fact, a survey of perpetrators in Maine found that 78% of them used workplace resources at least once to express remorse or anger to, check up on, pressure, or threaten their victim; 74% had easy access to their intimate partner's workplace; and 21% of offenders reported that they contacted her at the workplace in violation of a no contact order.

America's business community has become increasingly aware of the impact of domestic violence on their workplaces and on the safety of their employees. In the fall of 2002, Liz Claiborne, Inc. completed their second Corporate Leader Survey regarding domestic violence, benchmarking the results of their 1994 survey. According to the survey, 66% of corporate leaders say domestic violence is a major problem in today's society, compared to 57% who thought so in 1994. Moreover, significantly more corporate leaders today than in 1994 say they are aware of employees within their organization affected by domestic violence -- 56% in 2002 versus 40% in 1994. In addition, 68% of corporate leaders stated that a company's financial performance would benefit if domestic violence were addressed among its employees; 50% report that domestic violence has had a harmful effect on their own organization's insurance and medical costs; and one-third (32%) said their company's bottom line performance has been damaged. Finally, 91% believe that domestic violence affects both the private lives AND the working lives of their employees.

The ABA recognizes the need for employers to take steps to provide support and guidance to their employees who are victims of domestic violence and has been a leader on this issue for over ten years. In 1996, the ABA adopted a policy urging judges involved in the administration of courts and lawyers engaging in the management

operation of a law practice or other place of business to adopt workplace policies to assist employees who are victims of domestic violence and to protect the safety of employees who may come in contact with batterers during the course of business. Then in 1998, the ABA established a policy urging employers to address workplace violence by adopting policies and practices to help them better prevent and manage on-site violence and threats. The report accompanying the ABA's policy recognized that women are particularly affected by violence in the workplace, and specifically, that women who are survivors of domestic violence may experience assaults, harassment and even murder at work by a former husband or boyfriend. The recent tragedies in Atlanta and at the University of Washington only serve to highlight a problem that women have experienced for years.

Finally, in 1999, the ABA Commission on Domestic Violence published the first of its kind *Guide for Employers: Domestic Violence in the Workplace*. This guidebook promotes employer awareness of domestic violence and suggests safety protocols and strategies to protect and assist employees who are victims of domestic violence. The guidebook also provides employers and their counsel with examples of how to develop and to implement effective policies and procedures in the workplace to ensure the safety and support of all of their employees. It includes recommendations on the need to train staff to better understand domestic violence and its dynamics, how to develop a response plan, and how to use the law and employee benefits to help employees who are victims of domestic violence. Job guaranteed leave, maintenance of health insurance, and access to unemployment insurance are just a few examples of laws and benefits that may provide essential assistance to survivors of domestic violence in the workplace. Increasingly,

employers have learned that incorporating this issue into existing workplace policies and safety procedures leads to a more productive workforce and better empowers victims to leave violent relationships because they are able to maintain employment and an independent income source.

For all of these reasons, the ABA strongly supports and encourages employers' development of workplace policies and procedures providing necessary support and safety for victims of domestic violence in the workplace. The ABA appreciates this opportunity to offer its views on this fundamentally important subject. We look forward to working with the Committee to increase awareness about the impact of domestic violence and the need for employers to take steps to support all of their employees regarding this epidemic.

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