

# Guidelines for developing workplace domestic violence policy



## Does Bill 168 require a policy on workplace domestic violence?

The Bill 168 amendments on violence and harassment do not mean that you have to prepare a policy on “domestic violence”.

However, you have to create, post and review a written policy on workplace violence each year. The March 2010 Ministry of Labour Health and Safety guidelines, *Workplace Violence and Harassment: Understanding the Law* state:

“domestic violence is considered workplace violence” in situations where “[A] person who has a personal relationship with a worker – such as a spouse or former spouse, current or former intimate partner or a family member – may physically harm, or attempt or threaten to physically harm, that worker at work” (pages 2-3).

You need to deal with domestic violence in the workplace differently from how you respond to other workplace violence. For example, you do not have to be an expert on domestic violence. You need to develop relationships with local professionals (such as police, domestic violence experts and shelters, employee assistance programs and other counselling services) and rely on their skills.

You will need to adapt policies and programs to include domestic violence. Your policies should cover:

- recognizing and assessing the signs of risk,
- reporting requirements,
- disclosing personal information,
- evaluating a worker’s case,
- consulting with the targeted worker, and
- finding out how measures and procedures can be used to develop precautions.

## What does Bill 168 say about domestic violence?

Section 32.0.4, *Occupational Health and Safety Act*, “Domestic Violence”, states:

“If an employer becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury may occur in the workplace, the employer shall take every precaution reasonable in the circumstances for the protection of the worker.”

The legislation does not tell you how to meet this responsibility. Creating a policy will let you create specific expectations for how your workplace will act to prevent workplace domestic violence and respond to real or likely cases.

## Why you need a policy on workplace domestic violence

Your policy tells staff about new legal requirements. It lets them know what they have to do to prevent and respond to workplace domestic violence concerns. It also lets them know when a worker can refuse to come to work if she believes she may suffer from workplace domestic violence.

This policy guides managers, supervisors and other employees on how to “take every precaution reasonable in the circumstances”. It also helps them respond with the information that police and others need to keep everyone safe.

## What makes a workplace domestic violence policy effective?

A useful policy focuses on **safety** issues and provides **support** for victims and staff. It defines workplace domestic violence and gives management a policy framework to help plan and coordinate roles, responsibilities and activities.

In your policy, explain the roles and responsibilities of managers, supervisors and other employees involved. Outline the actions staff can take to protect and support employees and their co-workers. Define how your workplace will assist employees who are experiencing domestic violence,

In the policy, clarify expectations for reporting incidents of workplace domestic violence and concerns about potential workplace domestic violence. Clearly identify contacts for reporting.

Outline the type of training and information your staff needs to keep everyone safe.

The policy should also set out the rules that staff need to follow for proper behaviour at work. Explain what happens when staff break these rules and engage in violent behaviour.

Finally, the policy helps managers and staff know what to do when incidents and concerns occur.

## How to develop a policy

First, decide which policy format best meets your needs. Do you need a **stand-alone policy** about Workplace Domestic Violence or an **integrated policy** where domestic violence is part of other workplace policies?

Include a **corporate or management statement**. This is a short and broadly focused message you can use to state your company’s position on workplace domestic violence and your pledge to preventing and dealing with it.

Usually a “statement approach” is twinned with policy development. It tells readers why you need the policy. You may create this statement before you develop a policy and approach to dealing with workplace domestic violence.

Then you can identify current policies and practices that you can use to address workplace domestic violence.

These might include:

- leave policies and practices
- flexible work hours and scheduling policies
- EAP (employee assistance program) services
- current workplace violence or sexual harassment policy
- special accommodation and return to work (RTW) practices
- safety planning
- threat assessment
- the role and membership of your Joint Health and Safety Committee

## Key elements of a policy

A policy needs to fit your workplace. A generic policy will not work for your workplace or in all cases. However, there are the some key elements to an effective policy. We expand on these in the checklists that follow.

### Purpose

The purpose is a clear statement that tells readers why you are looking at workplace domestic violence.

A workplace domestic violence policy can help you:

- meet safety concerns
- meet legal responsibilities
- support employees
- build a violence-free workplace program
- foster a safe and respectful workplace culture
- encourage a work-life balance

### Definitions

Provide clear definitions, with examples in your policy. Words, terms and concepts that people need to know include:

- what actions are inappropriate and unacceptable in the workplace
- domestic violence
- intimate partner or intimate relationship
- workplace

Make sure to add the legal context from in Bill 168. For example, tell readers that a term is defined in section 32.04 “Domestic Violence”.

### Applications

Readers need to know to whom, when and how the policy will apply.

### Responsibilities

Who has what responsibilities under the policy?

Who are the contacts for reporting incidents?

Who is responsible for following up on reports?

What actions must they take?

Who is responsible for dealing with protective orders?

### Consequences and enforcement

What may happen if workplace domestic violence occurs?

What disciplinary and non-disciplinary proceedings apply?

What resources can the workplace provide (for example, counselling, leaves)?

How will you enforce this policy?

What should you do to prevent workplace domestic violence?

How will you deal with concerns and complaints?

Who will do safety planning? Will you bring in outside expertise? If so, who?

How will you handle work refusals?

How will deal with employees who use work resources to harm, threaten or harass another person?

### **Managing protection orders**

A staff member needs to let you know if she has a protection order (peace bond or restraining order) that applies to the workplace. This way, you can protect the worker and her co-workers. You may also be able to assist employees with information or referrals about how to obtain a protection order or assist in its enforcement at the workplace.

### **Retaliation/reprisal**

Make a clear statement that staff will not be punished for reporting issues, for seeking safety planning help or support from a case of domestic violence.

Let abusers who freely seek help know what to expect at work.

### **Policy review and revision**

Bill 168 requires you to review your policy on workplace violence as often as needed but at least once a year. In your policy, include its start date and the dates at which it was updated. Revise and develop your policy based on your experience, the experience of other workplaces and the insights of community experts. You can also learn from research in areas of violence against women, progressive human resources management, cooperative labour relations and occupational safety.

## **Do you need a zero tolerance policy?**

Zero tolerance policies are often not useful. We do not recommend one for workplace domestic violence.

All workplaces should be free of violence and harassment. To look into and deal with these cases well, you need to be fair, thorough and reasonable. A zero tolerance policy may conflict with these needs. Also, less severe cases of abuse will need to be looked at differently than more severe ones. You need a policy that allows you to be consistent and flexible.

Those with safety concerns and those with responsibility for enforcement are more likely to use a policy that is seen as fair and reasonable.

## **What is a “violence continuum”? Do you need it?**

The University of Western Ontario defines a violence continuum as follows:

“Violence refers to a broad range of behaviours along a spectrum of severity that can generate concern for personal safety and/or personal injury. At the low end of the spectrum are disruptive, aggressive, harassing or emotionally abusive behaviours that generate anxiety or create a climate of distrust that adversely affect process, productivity and morale. Further along the spectrum are words or other actions that are reasonably perceived to be hostile, intimidating, frightening, or threatening and generate a justifiable concern for personal safety. At the high end of the spectrum are acts of overt violence such as assault, pushing, shoving, hitting or physical actions that include weapons and serious physical attacks.”

A violence continuum can help you understand and deal with the range dangers your employees may face. A violence continuum looks at low to moderate risk that includes disruptive and aggressive behaviours, harassing conduct and emotional or psychological abuse. Using a continuum can help you and other staff see and deal with the early warning signs of violence and harassment.

## Sample policies

You can find domestic violence policies for many employers, associations and organizations on-line. Here are some samples that can help you build your policies. The most effective policy is one you develop that reflects your organization's unique commitments, culture, resources and policy framework.

Have your legal counsel review your new policies.

### Canada

Hotel Dieu Grace Hospital has an Intimate Partner (Domestic Violence) Policy with Guidelines for Providing Assistance for Managing Domestic Violence in the Workplace.

The Occupational Health and Safety Council of Ontario published Developing Workplace Violence and Harassment Policies and Programs: What Employers Need to Know as part of their Workplace Violence Prevention Series.

The Ontario Safety Association for Community & Healthcare (OSACH) has a section in their 2009 Addressing Domestic Violence in the Workplace: A Handbook on Incorporating domestic violence in a workplace violence prevention program.

The Alberta Council of Women's Shelters drafted a model policy on domestic violence in the workplace (October 2009)

The New Brunswick Family Violence and the Workplace Committee developed a Toolkit to help New Brunswick businesses take action to address family violence and its impact on the workplace.

Shelternet has guidelines for you to think about when you are dealing with abuse. It can help you create a setting where women who feel more comfortable to seek the help and support they need.

### USA

The Corporate Alliance to End Partner Violence has a guide on creating a policy and a sample policy to address partner violence in your workplace.

Safe at Work Coalition has the facts you need to build a complete and effective domestic violence policy.

The Family Violence Prevention Fund offers sample text for a general policy statement and 5 specific policy areas, including, Education and Training, Safety and Security, Employee Leaves, Performance Concerns and Employee Benefits.

New York State has a Model Domestic Violence Policy for counties.

Buffalo State College, the State University of New York, has a Domestic Violence and the Workplace Policy.

### U.K.

The Department of Health, Social Services and Public Safety and the Northern Ireland Office 'Tackling Violence at Home - A Strategy for Addressing Domestic Violence and Abuse in Northern Ireland produced Developing a Workplace Policy on Domestic Violence and Abuse. It offers advice on how you can develop increased awareness and more effective responses to domestic violence in the workplace for the benefit of all staff.

You can adapt policies to fit your workplace culture. But your staff may not use these policies if you do not have training and awareness programs in place. Training lets managers and employees know what to do, who to talk to, and what resources are available. Start with a policy; follow up with education and training!

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