

The Legal Strategist

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TEXAS ESOTERIC FACTS

The average January temperature for Amarillo is 36.7 degrees while in Brownsville the average is 61.4. On March 27, 1984, the temperature in Brownsville was 106 degrees while Amarillo reported snow and 35 degrees.

In commemoration of October as National Domestic Violence Awareness Month, this quarter's Feature Topic will deal with the issue and ramifications of Domestic Violence in the Workplace. Domestic violence affects the lives and compromises the safety of thousands of people each day. Domestic violence in the workplace creates many human resource concerns, including, but not limited to, lost productivity, increased health care costs, increased absenteeism, increased employee turnover, and potential employer liability.

The Feature Topic is a cursory review. If you would like more information on this, or any other topic previously covered in our newsletter, which can be viewed on [The Legal Strategist](#) tab of our web site, please contact our office to set up a consultation.

Scott Barrett

FEATURE TOPIC: DOMESTIC VIOLENCE AND THE WORKPLACE

Domestic violence is an issue that no employer can afford to ignore. With nearly one out of every three women reporting physical abuse by a partner at some point in her lifetime, domestic violence is affecting the workplace. Domestic violence not only affects workplace safety, it also impacts productivity, costs and employer liability.

The Problem:

Domestic violence does not remain "domestic" by staying at home when its victims go to work. An estimated 13,000 acts of domestic violence are committed in the workplace every year. Homicide is the leading cause of death for women on the job. This violence poses a threat not only to the victim, but it also threatens the safety and well-being of co-workers and customers. Even when domestic violence does not spill over into the workplace, its effects are enormous. Businesses pay an estimated \$3 to \$5 billion annually in medical expenses associated with domestic violence and one study reported that 96% of employees who were victims of domestic violence reported some form of workplace problem as a direct result of abuse.

In addition to the exorbitant costs associated with domestic violence, employers face the specter of legal liability under an expanding myriad of laws for failing to respond appropriately to this issue. These new laws are predicated on the understanding that the workplace is often a prime place for domestic violence to occur because it may be the only place where the perpetrator can gain access to the victim. Moreover, perpetrators deliberately abuse their victims during work hours because they know that victims fear losing their jobs if their employers realize what is happening. Employers who are unaware of the various laws governing their conduct in this area may face exposure to legal liability.

As evidenced by the proliferation of protective legislation in this area, employers must act with extreme caution to ensure that their responses to the effects of domestic violence in the workplace do not inadvertently violate federal, state or local law. The employer is tasked with applying its policies in a manner that does not discriminate against the victim on a prohibited basis and that maintains a safe work environment.

What To Do:

Taking a proactive approach to domestic violence should include designing and implementing a specific domestic violence in the workplace policy. The policy should focus on providing information and referrals to employees who are victims of domestic violence and should address issues related to the need for time off and security. Such an approach allows the employer to create a safer and more supportive environment while reducing its exposure. Domestic violence policies are not designed to place the employer or its designated point persons in the position of counselors or advocates. Rather, they are designed to mitigate the effects of domestic violence in the workplace by providing victims with a link to community resources that serve those functions. Thus, the employer's partnership with a local domestic violence agency is essential to carrying out the policy's central mission of providing information and referrals to employees who are victims of domestic violence. It also ensures that the employer becomes the link to resources rather than the resource itself.

If you would like more information on developing your workplace domestic violence policy, please contact [Scott Barrett](#) to set up a consultation.