

## Task Force Meeting: Workplace response to domestic violence

Convened under [HB 1315](#) (2021), which creates a task force to identify the role of the workplace in helping curb domestic violence.

A preliminary report is due to the appropriate committees of the Legislature by Dec. 1, 2021, and a final report is due by Dec. 1, 2022. With no specific funding budgeted for this work, Commerce will convene the workgroup twice, providing this preliminary update and a final report in 2022.

This workgroup convened for a two-hour virtual meeting on Dec. 14, 2021, to discuss how employers can help reduce domestic violence in Washington. The discussion included representatives from preventative organizations, Washington business and the Department of Commerce, which is tasked with facilitating the meeting and coordinating follow-up activities. The task force will reconvene in mid-2022 for further discussions, including reviewing a draft one-page guidance document that could be provided to educate Washington employers on their role in reducing domestic violence and victim support.

### Welcome

**Rick Torrance, meeting facilitator and managing director, Office of Crime Victims Advocacy**

### Introductions

- Bob Battles, Association of Washington Business
- Jim Dixson, National Federation of Independent Business
- Katie Doyle, Washington Hospitality Association
- Renée Sunde, Washington Retail Association
- Larry Brown, Washington State Labor Council
- Susan Marks, Washington Coalition of Sexual Assault Programs
- Traci Underwood, Washington State Coalition Against Domestic Violence
- Debbie Hassler, Cowlitz Tribe (unable to attend the meeting)
- Lois Cook, America's Phone Guys
- Survivor of domestic violence (seeking participant)
- Sandra Touissant, Washington Federation of State Employees
- Ashley Fueston, Washington Federation of State Employees
- Traci Underwood, Washington State Coalition Against Domestic Violence
- Rick Torrance, Office of Crime Victims Advocacy, Department of Commerce
- Jodi Honeysett, Office of Crime Victims Advocacy, Department of Commerce
- Alice Zillah, Research Services, Department of Commerce

# How domestic violence affects the workplace

## Traci Underwood, program coordinator, Economic Justice, Washington State Coalition Against Domestic Violence (WSCADV)

- Domestic violence is prevalent in our society. Chances are you have a survivor working for your business or organization. It impacts productivity and performance, as well as being a healthcare concern.
- A job is a crucial lifeline for survivors, so they do not have to be economically dependent on their abusers. Helping employees retain their jobs is the number one thing that employers can do to assist.
- It can be hard to get time off, particularly for low-income workers, to attend court hearings, follow through on prosecution, or attend support groups, for instance.
- Work disruptions are not necessarily violent – they can include constant calling, impeding transportation, or not allowing their partner to work.
- The financial impacts are not just for the victims but also for society as large – decreased productivity, absenteeism, and health insurance costs.
- Washington’s legal protections are in statutes [RCW 49.76](#) and [RCW 49.46](#). It is illegal to discriminate against someone who experiences domestic violence, sexual assault, or stalking. Employees can use paid leave for the impacts, and if they’re out of paid leave, they can use unpaid leave. Employees cannot be demoted or fired if they ask for this leave.
- There are small things employers can do – removing “in and out” boards, making sure the parking lot has good lighting and including a policy on addressing domestic violence.
- When talking to an employee, the employer can provide support, offer referrals, and discuss ways to help them be safe. But, employers are not counselors.

# Questions and answers

## **How can employers hold employees who are abusers accountable in a safe way?**

WSCADV recommends getting legal advice for a specific situation. For example, some employees use their workplace resources to harass or stalk their victims. If you know of an abuser at your company, you may be able to transfer them to a different position in which they don't have access to use the work equipment they used for the abuse. You may also be able to hold them to policies the company has about respectful treatment.

## **Most small businesses don't have legal support or even HR. How should they respond?**

The most important thing is to talk to survivors to find out what they may need to feel safe and let them know that they have protections under the law. But employers should exercise caution when recommending that an employee take a specific action because they may be found to have legal liability in some cases.

## **Should survivors contact a statewide organization like WSCADV, or should they try to find a local advocate?**

We recommend they contact WSCADV. It may be easier for them to talk to a statewide organization and then be referred to a local program.

## **Workplace safety is so important to both employers and employees. Are there good examples of companies working well with their employees, or where unions are working well with the employees?**

WSCADV has a good relationship with the food and grocery workers union. Traci is happy to do presentations for unions, employers, and employees.

## **How has working from home impacted survivor safety?**

It may be that a survivor prefers to work in the office, so it's helpful to be sensitive to those requests.

# Discussion: Best practices for employers to address domestic violence

Members of the focus group provided feedback during round-table discussions at the meeting. We are intentionally not including the names or organizational affiliations of speakers in order to speak to the broader concerns around the impact of domestic violence in the workplace. The question posed to the attendees was, "What challenges are you aware of for employers?"

- As a membership organization, our members are committed to safety, and it's challenging because 90% of them are small retailers. We want to ensure they are protected from liability. We are also concerned about the rest of the people in the workplace and the potential danger if the employer is not handling the situation correctly.
- We can't always ensure safety, but we can think about harm reduction. The number one thing that employers can do is help employees who are domestic violence victims have a secure income. Listening to employees can also be key, and asking if there are things that can be done to make employees safer.
- As a small business owner, my employees are the most important asset to me. I can provide resources, but I'm not comfortable being trained or having one of my employees trained to respond or take action.
- Every region has trained advocates who are there to have confidential conversations with survivors, and this information is available through OCVA's Direct Service Line: 1-800-822-1067.
- We need to ensure that education happens on a statewide basis. We also need coordinated action to move towards a domestic violence-free workplace. We should figure out how to protect employers from liability if they need to take action against an abuser.

## Facilitated discussion on next steps

- We need a better way to distribute information on legal protections and model policies. For instance, how can we better educate our teams (employers) to know that sick and vacation leave can be used for “safe” leave? Getting resources into the hands of employers – such as a packet – would be very valuable.
- The Task Force does not currently include a survivor of domestic violence who is willing to talk about their experience in the workforce. There should be a concerted effort to fill that role, so we have that experience on the committee.

## Planned actions

- Commerce will share a model workplace policy – available at this link: <https://www.workplacesrespond.org/resource-library/model-guidelines/>.
- Commerce/OCVA will reconvene this group in mid-2022 to review a one-page document on domestic violence that could be useful to employers in Washington.
- Commerce will provide the Legislature a final summary of the workgroup’s activity by Dec. 1, 2022.