



This model policy has been adapted by STANDING FIRM from model policies developed by Workplaces Respond to Partner & Sexual Violence, the American Bar Association, and Cornell Law School.

Check your state's law; some states have enacted laws that extend certain employment protections to victims.

Any policy adopted by an organization should be reviewed and approved by that organization's own legal counsel.

Model Workplace Policy on Partner Violence

I. Purpose Statement

[Employer] institutes this policy as part of its commitment to a healthy, safe work environment and to the prevention and reduction of the incidence and impact of partner violence on employees and the workplace.

[Employer] recognizes that partner violence presents unique issues for its workforce and workplace safety. Partner violence impacts individuals from all economic, educational, cultural, age, gender, racial, and religious demographics. [Employer] recognizes that partner violence can impact the workplace despite the incidents occurring elsewhere.

Therefore, [Employer] will take appropriate measures to prevent and/or address partner violence, regardless of how long a relationship may exist or have existed between two parties.

The goals of this policy are to:

1. Prevent partner violence from affecting the workplace.
2. Enhance workplace awareness and safety and to create a supportive and safe work environment for employee victims of partner violence and their coworkers.
3. Institutionalize procedures to assist employees who are impacted by partner violence, including the provision of training on this policy to employees and management.
4. Outline appropriate disciplinary action when employees perpetrate partner violence.

Therefore, [Employer], to the fullest extent possible, consistent with existing policies, regulations, statutory requirements, contractual obligations or collective bargaining agreements, designates and directs management, supervisory, and/or human resources staff to implement the following policy.

II. Definitions

1. Victim

An individual who is currently subject to or has in the past been subjected to partner violence.

2. Perpetrator

An individual who commits or threatens to commit an act of partner violence.

3. Partner Violence

Partner violence (sometimes referred to as domestic violence) is a pattern of coercive behavior, including acts or threatened acts, that is used by a perpetrator to gain power and control over a current or former spouse, current or former intimate partner, or person with whom the perpetrator shares a child in common. Partner violence occurs in heterosexual

and same sex relationships. Partner violence includes, but is not limited to: physical violence, intimidation, or injury; sexual violence; emotional and/or psychological intimidation; verbal abuse; threats; technological abuse; harassment; stalking; and economic abuse and control.

4. Intimate Partner

An intimate partner is a person with whom one has or had a close personal relationship that can be characterized by the following:

- Emotional connectedness.
- Regular contact.
- Ongoing physical contact and/or sexual behavior.
- Identify as a couple.
- Familiarity and knowledge about each other's lives.

The relationship need not involve all of these dimensions. Examples of intimate partners include boyfriends or girlfriends, dating partners, or sexual partners.

5. Stalking

Stalking refers to harassing, intimidating or threatening conduct that causes the victim to fear for his or her safety or the safety of a family member, or would cause a reasonable person in a similar situation to fear for his or her safety. Stalking conduct includes, but is not limited to: any unwanted following or spying on a person; unwanted appearing at a person's home (not shared) or work; unwanted appearing at a place where the perpetrator has no reason to be; unwanted, harassing, or threatening phone calling, emailing, texting, etc.; waiting at places in order to make unwanted contact with the victim or to monitor the victim; leaving unwanted items, presents, or flowers for the victim; and posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth. Stalking may occur through the use of technology including, but not limited to, the use of GPS and social networking sites.

6. Protection Order or Restraining Order

Protection orders, sometimes called restraining orders or stay away orders, are a legal mechanism by which a victim can petition the court for protection from a perpetrator, as well as to establish custody and visitation guidelines and provide for other forms of economic stability such as rent or mortgage payments, for the duration of the order. Protection orders may also be issued in criminal cases as a condition of probation or condition of release particularly in a partner violence, sexual violence, or stalking related crime.

7. Workplace-Related Incidents

Workplace-related incidents of partner violence include acts, attempted acts, or threatened acts by or against employees, and/or the families of employees, and/or their property, that occur in the workplace or that occur outside the workplace but have an impact on the workplace. An employee is considered to be in the workplace while in, or utilizing the resources or performing work on behalf of the employer. A workplace location includes but is not limited to facilities, work sites, equipment, or vehicles, the location of a client or customer, or while on work-related travel.

8. Employee

Employee shall include full time and part-time employees [and others as defined by the employer such as interns, volunteers, temporary workers, etc.] engaged by [Employer] in any workplace location.

III. Persons Covered by this Policy

Persons covered by this policy include all employees of [Employer]. The obligations of this policy are imposed upon all employees of [Employer].

IV. Statement of Confidentiality

[Employer] recognizes and respects an employee's right to privacy and the need for confidentiality. [Employer] shall maintain a reasonable level of confidentiality of an employee's disclosure of partner violence to the extent allowed by [Employer's] policy and the law.

When information must be disclosed to protect the safety of the disclosing individual and others in the workplace, or to implement a reasonable accommodation or workplace safety plan, [Employer] shall limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of the disclosing employee and others, or to implement a reasonable accommodation or workplace safety plan, and to comply with the law.

If the disclosure must be shared with other parties in order to maintain safety in the workplace, or to implement a reasonable accommodation or workplace safety plan, [Employer] shall attempt to provide advance notice to the employee who disclosed information. [Employer] shall also attempt to provide the employee with the name and title of the person(s) to whom [Employer] intends to share the employee's statements, and shall explain the necessity and purpose regarding said disclosure. [Employer] shall inform any individuals with whom the disclosed information is shared of the confidential nature of the shared information and that the information is to be used solely for business purposes.

[Employer] will maintain a confidential record, separate from employee's personnel file, of employee's status as a victim of partner violence to ensure to victim that his or her rights and privileges of employment are not impacted or compromised as a result of the partner violence. [Employer] will limit access to this file and notify employee regarding who has access.

V. Reporting and Referrals

[Employer] has designated ____ (name) _____, _____ (title) _____ in the _____ office at ____ (location) _____ as the person(s) to whom reports should be made. This includes reporting by employees who are victims of partner violence, reporting by employees with information about partner violence against or by a co-worker, and reporting by employees of policy violations.

Designated support personnel's contact information, including name, phone number, and location, will be included in [Employer] materials and clearly posted.

A. Reporting by Employees who are Victims of Partner Violence

Employees who are victims of partner violence are encouraged to provide a report to [Employer]'s designated support personnel. [Employer]'s designated support personnel shall provide referrals and resources to employees in order to assist employees with their concerns or experiences regarding partner violence.

B. Reporting by Employees with Information about Partner Violence

Employees who have information about or witness an act of partner violence perpetrated by an employee, or who have information about or witness partner violence against an employee, are encouraged to report all information to [Employer]'s designated support personnel.

[Employer] will not retaliate against, terminate, or discipline any employee for reporting information they believe to be true about alleged incidents of partner violence, as defined in this policy that may have been committed by any other employee, including a member of management. Prohibited acts of work-related retaliation include, but are not limited to, demotion or withholding of earned pay, as well as acts of personal retaliation, such as those related to an employee's immigration status or sexual orientation, for example.

Any employee who believes he or she has been subjected to adverse action as a result of making a report pursuant to this policy should contact [Employer]'s designated personnel.

C. Reporting Violation of Policy

A person who wishes to report a violation of this policy should contact [Employer]'s designated personnel. [Employer] will not subject employees who report a violation of this policy to work-related or personal retaliation. Any allegations of violations of this policy will be immediately investigated by [Employer] and appropriate remedial action taken.

VI. Training/Resources

- A. [Employer] shall disseminate copies of [Employer's] Partner Violence Policy to all employees upon adoption and to all new employees upon hiring or appointment.
- B. All human resource employees, managers, and supervisors shall participate in regular trainings on partner violence and the workplace, which shall include training on the implementation of this policy. [Employer] will also make training available to all employees. In order to ensure sustainability, training will be incorporated into [Employer]'s onboarding process for new employees and required for employees promoted to management and supervisory. Periodic all employee training will be provided as necessary.
- C. [Employer] shall post prevention information on partner violence and available resources in the work site in places where employees can obtain it without having to request it or be seen removing it, such as on [Employer's] intranet and in private areas of restrooms, lounge areas, and lunch sites. This information shall include available sources of assistance such as Employee Assistance Programs, local domestic violence service providers, and the names and contact information of [Employer]'s designated personnel who are trained and available to serve as confidential sources of information, support, and referral.
- D. [Employer] shall integrate information on partner violence and this policy into existing policies, protocols, and procedures, including existing workplace violence prevention plans or protocols.

VII. Employer Responses to Reports of Partner Violence

A. Responses to Victims

[Employer] is committed to providing support to victims/survivors of partner violence.

i. Non-Discrimination and Non-Retaliation

[Employer] shall not discriminate, retaliate or take adverse employment actions against an employee because of the employee's status as a victim of partner violence, if the victim provides notice to the organization of the status, or the organization has actual knowledge of the status.

ii. Leave and Reasonable Accommodations

[Employer] will provide paid or unpaid leave to employees who are victims of partner violence to secure medical assistance, legal assistance, counseling, or to attend to other matters related to the violence, such as court proceedings, meeting with an attorney, complying with a subpoena, permanent or temporary relocation, services from a partner violence or rape crisis agency, or participating in safety planning and taking other actions to increase safety from future partner violence. [Employer] will make reasonable efforts to provide paid or unpaid leave when the employee is experiencing or has experienced partner violence, unless it causes undue hardship to the employer. [Employer] will work with the employee to provide reasonable and flexible leave options under this policy.

An employee must provide reasonable advance notice to the employer of the need to take time off unless advance notice is not feasible. To request leave, employee should contact ____ (name) ____, ____ (title) ____ in the _____ office at ____ (location) _____. When the need for time off is not foreseeable, the employee should contact _____ as soon as is reasonably possible and request permission for further time off. All employees may substitute accrued, unused vacation for any unpaid portion of leave.

[Employer] will make reasonable accommodations to permit an employee who is a victim of partner violence to continue to perform his/her job, unless it causes undue hardship for [Employer]. All accommodations must be documented and approved by ____ (name) ____, ____ (title) _____.

[Employer] will maintain the confidentiality of a person who requests leave or a reasonable accommodation under this policy, to the extent allowed by [Employer's] policy and the law. [Employer] will not retaliate against a victim of partner violence for requesting leave or a reasonable accommodation, regardless of whether the request was granted.

iii. Workplace Safety Plan

As necessary, [Employer] will assist employees who are victims of partner violence in developing and implementing an individualized workplace safety plan, unless it causes an undue hardship for [Employer].

The plan must be documented and approved by _____. The plan can be revised upon the employee's request. The plan may include but is not limited to: developing procedures for alerting workplace security and/or the police, relocating the employee temporarily to a different area, assessing the physical layout of the work site to identify possible threats to employee safety, and assessing changes that can be made to enhance safety such as options for voluntary transfer or permanent relocation to a different work site, change of work schedule, reassignment of parking space, escort for entry to and exit from the workplace, responding to telephone, fax, email or mail harassment, and maintaining a photograph of the perpetrator and a copy of any existing court orders of protection in a confidential onsite location and providing copies to reception and security personnel. Plans must address additional concerns if the victim and the perpetrator are both employed by [Employer].

In consultation with the employee, security personnel will coordinate with the work site's computer technology personnel to address safety and intrusion concerns. These concerns include the perpetrator's use of computer technology to harass or stalk a victim or use of information on [Employer's] website about a victim to locate and harm the victim. The above-described safety plan will address these concerns, including removing

identifying information, such as the victim's telephone number and office location, from [Employer's] public websites.

[Employer] will maintain the confidentiality of a person for whom a workplace safety plan is developed under this policy, to the extent allowed by [Employer's] policy and the law.

iv. Modifying Employee Benefits and Payroll Transfers

[Employer] shall inform employees who are victims of partner violence and who separate from a spouse or other covered intimate partner that they shall be allowed to make reasonable changes in employee benefits at any time where possible, in accordance with statute, regulation, contract, and policy.

[Employer] will grant and process victimized employees' requests for necessary changes to electronic payroll transfers as expediently as possible.

v. Access to Unemployment Insurance Benefits

[Employer] recognizes that in certain situations it is no longer feasible for an employee who is a victim of partner violence to continue working for [Employer]. In such circumstances, [Employer] shall provide to employee information regarding access to unemployment insurance benefits.

[Employer] has designated _____ in the _____ office at _____ to provide accurate information regarding unemployment benefits for victims of partner violence.

vi. Work Performance

[Employer] recognizes that employees who are victims of partner violence may experience temporary difficulty fulfilling job responsibilities. If [Employer] becomes aware that an employee's work performance or conduct has been impacted by victimization of partner violence, [Employer] will work in collaboration with the employee to address the issues, unless it causes undue hardship to the employer.

[Employer] may develop a workplace safety plan with employee, provide leave and other reasonable accommodations, provide referrals to support or advocacy agencies, advise employee of his or her rights regarding changes to employee benefits and unemployment insurance, and maintain a separate and confidential record of employee's status as a victim of partner violence.

With or without these accommodations, an employer may require that the essential functions of the job be fulfilled.

vii. Protection and Restraining Orders

[Employer] recognizes that a victim of partner violence may seek a protection or restraining order, or may receive a protection or restraining order, as part of his or her efforts to become safe. [Employer] recognizes that the workplace may or may not be included in a protection or restraining order as a location from which a perpetrator must remain away. If an employee chooses to disclose the existence of a protection or restraining order to [Employer], [Employer] may, wherever possible, assist the employee to enforce his or her order, shall keep the order in a confidential and separate file from employee's personnel file, limit access to the file, and, if applicable, may assist employee to gather documentation from the workplace, such as emails or voice messages, that could support the employee's efforts in the justice system or otherwise to obtain or maintain safety from a perpetrator.

B. Responses to Workers Who Commit Violence

If it is determined that an employee has perpetrated a workplace-related incident of partner violence, [Employer] shall conduct appropriate investigations, interventions, and referrals. The investigation shall be completed within ____ days of receipt of the information or allegation concerning the alleged incident of violence.

Every employee shall have a duty to cooperate with the investigation, and failure to do so will result in disciplinary action being taken against the uncooperative employee up to and including termination. Additionally, every employee has the duty to be truthful and must disclose all information known to the employee when requested to do so by an appropriate person in the organization or the person designated by the organization to investigate an alleged incident of partner violence being perpetrated by an employee. Any employee who fails to be completely truthful or who withholds information shall be subject to disciplinary action up to and including termination.

At the conclusion of the investigation conducted by [Employer], if, by a preponderance of the evidence, it is shown that the employee has perpetrated a workplace-related incident of partner violence, as defined in this policy, then that employee shall be subject to disciplinary action up to and including termination.

Employees are prohibited from utilizing any workplace resources, such as work time, phones, email, computers, internet connections, fax machines or other means to threaten, harass, intimidate, embarrass or otherwise harm a current or former spouse, intimate partner or person with whom they share a child in common.

An employee who is subject to a protection or restraining order, or a named defendant in a criminal action, as a result of allegations of a threat or act of partner violence must disclose to _____ in the _____ office at _____ the existence of such criminal or civil action if the conditions of such action interfere with the employee's ability to perform his or her job, impact another employee at [Employer], or specifically name [Employer]. Failure to disclose the existence of such criminal or civil actions in these circumstances will result in disciplinary action, up to and including termination.

VIII. Monitoring the Success of this Policy

[Employer] will review incident reports for the quality of responses and actions taken.

[Employer] will develop a review group for this purpose, which will include representatives from security, human resources, employee assistance, and other relevant representatives, as appropriate.