

**AMERICAN BAR ASSOCIATION**  
**COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE**  
**REPORT TO THE HOUSE OF DELEGATES**

**RESOLUTION**

- 1 RESOLVED, That the American Bar Association adopts the *Model Workplace Policy on*  
2 *Employer Responses to Domestic Violence, Sexual Violence, Dating Violence and Stalking*  
3 (*“Model Policy”*), dated August 2014.  
4
- 5 FURTHER RESOLVED, That the American Bar Association encourages all employers, public  
6 and private, including governments, law schools and the legal profession, to enact formal  
7 policies on the workplace responses to domestic violence, dating violence, sexual violence,  
8 and/or stalking violence that address prevention, provide assistance to employees who  
9 experience violence, and which hold employees who perpetrate violence accountable, using the  
10 Model Policy as a guide.

1                   **MODEL WORKPLACE POLICY ON EMPLOYER RESPONSES TO**  
 2                   **DOMESTIC VIOLENCE, SEXUAL VIOLENCE, DATING VIOLENCE AND STALKING**  
 3                   **AUGUST 2014**  
 4

5 The model policy set forth below outlines guidelines for workplace responses to  
 6 victims/survivors of violence and perpetrators of violence. An employer can adopt a workplace  
 7 policy as part of its commitment to a healthy, safe organizational climate and to the prevention  
 8 and reduction of the incidence and effects of domestic violence, sexual violence, dating violence,  
 9 and stalking.  
 10

11 **I. Statement of Purpose**

12 [Employer] institutes this policy as part of its commitment to a healthy, safe organizational  
 13 climate and to the prevention and reduction of the incidence and effects of domestic violence,  
 14 sexual violence, dating violence, and stalking [hereinafter “violence”]. [Employer] recognizes  
 15 that domestic violence, sexual violence, dating violence, and stalking are workplace issues and  
 16 impact the workplace even if the incidents occur elsewhere. Incidents of domestic violence,  
 17 sexual violence, dating violence, and stalking cross economic, educational, cultural, age, gender,  
 18 racial, and religious lines. They can occur in heterosexual and same sex intimate relationships,  
 19 including marital, cohabiting, or dating relationships, as well as in non-intimate heterosexual or  
 20 same sex relationships such as between coworkers or perpetrated by supervisors, and can occur  
 21 between strangers.  
 22

23 The purposes of this policy are to:

- 24 • Enhance workplace awareness and capacity to create a supportive and safe work  
 25 environment for victims of violence and fellow employees;
- 26 • Institutionalize responsive policies and procedures to assist employees who are impacted  
 27 by violence, including the provision of training on this policy to employees and  
 28 management;
- 29 • Provide immediate assistance to victims, especially information and referrals to  
 30 community resources;
- 31 • Provide assistance and/or disciplinary action to employees who are perpetrators of  
 32 violence.  
 33

34 **II. Definitions**

- 35 1. **Survivor or victim:** an individual who is currently subject to, or has in the past been  
 36 subjected to, domestic or sexual violence, dating violence, or stalking.  
 37
- 38 2. **Perpetrator:** the individual who commits or threatens to commit an act of domestic  
 39 violence, sexual violence, dating violence, and stalking.  
 40
- 41 3. **Domestic violence:** a pattern of coercive behavior, including acts or threatened acts, that  
 42 is used by a perpetrator to gain power and control over a current or former spouse, family  
 43 member, intimate partner, or person with whom the perpetrator shares a child in common.  
 44 It occurs in heterosexual and same sex relationships and impacts individuals from all  
 45 economic, educational, cultural, age, gender, racial, and religious demographics.

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46 Domestic violence includes, but is not limited to, physical or sexual violence, emotional  
47 and/or psychological intimidation, verbal abuse, stalking, economic control, harassment,  
48 physical intimidation, or injury.

- 49
- 50 4. **Sexual violence:** a range of behaviors, including but not limited to, sexual harassment, a  
51 completed nonconsensual sex act (i.e., rape), an attempted nonconsensual sex act, abusive  
52 sexual contact (i.e., unwanted touching), and non-contact sexual abuse (e.g., threatened  
53 sexual violence, exhibitionism, verbal harassment). Some or all of these acts may also be  
54 addressed in [Employer]’s Sexual Harassment Policy. Sexual violence is any sexual act  
55 or behavior that is perpetrated against someone’s will when someone does not or cannot  
56 consent. Victims of sexual violence may know the perpetrator(s), such as a coworker or a  
57 supervisor, and/or may be involved in a dating or marital relationship with the  
58 perpetrator, or the perpetrator may be unknown to the victim. A person of any age or  
59 gender may be a victim of sexual violence. Consent is not given when a perpetrator uses  
60 force, harassment, threat of force, threat of adverse personnel action, coercion, or when  
61 the victim is asleep, incapacitated, or unconscious.
- 62
- 63 5. **Dating violence:** an act of violence threatened or committed by a person who is or has  
64 been in a social relationship of a romantic or intimate nature with the victim. The  
65 existence of a “romantic or intimate” relationship is determined based upon the victim’s  
66 perspective and in consideration of the following factors: the length of the relationship,  
67 the type of relationship, and the frequency of interaction between the persons involved in  
68 the relationship.
- 69
- 70 6. **Stalking:** acts of harassing, unwanted or threatening conduct that cause the victim to fear  
71 for his or her safety or the safety of a family member, or would cause a reasonable person  
72 in a similar situation to fear for his or her safety. Stalking conduct includes, but is not  
73 limited to: following or spying on a person, appearing at a person’s home or work,  
74 appearing at a place where the perpetrator has no reason to be, waiting at places in order  
75 to make unwanted contact with the victim or to monitor the victim, leaving unwanted  
76 items, presents, or flowers for the victim, and posting information or spreading rumors  
77 about the victim on the internet, in a public place, or by word of mouth. Stalking may  
78 occur through use of technology including, but not limited to, e-mail, voice-mail, text  
79 messaging, and use of GPS and social networking sites.
- 80
- 81 7. **Protection Order or Restraining Order:** protection orders, sometimes called  
82 restraining orders or stay away orders, are a mechanism where a victim can petition the  
83 court for protection from a perpetrator, as well as establish custody and visitation  
84 guidelines and provide for other forms of economic security, like rent or mortgage  
85 payments, which last for the duration of the order. Protection orders may also issue in  
86 criminal cases as a condition of probation or condition of release, particularly in a  
87 domestic violence, sexual violence, dating violence, or stalking related crime.
- 88
- 89 8. **Workplace-Related Incidents:** workplace-related incidents of domestic violence, sexual  
90 violence, dating violence, and stalking include acts, attempted acts, or threatened acts by  
91 or against employees, and/or against employees’ families or 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 of the employer. A workplace includes but is not limited to employer facilities, work sites, equipment, or vehicles, or while an employee is on work-related travel.

9. **Workplace Safety Plan:** a strategy developed in collaboration with a victim to implement workplace safety options, including but not limited to handling of court protection orders, procedures for alerting security personnel, temporary or permanent adjustments to work schedules and locations, changes in parking spots, and requests for escorts to and from workplace facilities.

### III. Persons Covered by this Policy

Persons covered by this policy include full and part time employees, interns, contractors, volunteers, or temporary workers engaged by [Employer] in any workplace location.

### IV. Statement of Confidentiality

[Employer] recognizes and respects an employee's right to privacy and the need for confidentiality and autonomy. [Employer] shall maintain the confidentiality of an employee's disclosure regarding violence to the extent permitted by law unless to do so would result in physical harm to any person and/or jeopardize safety within the workplace. When information must be disclosed to protect the safety of individuals within the workplace, [Employer] shall limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of the disclosing employee and others and to comply with the law. [Employer] shall make every effort to provide advance notice to the employee who disclosed information if the disclosure must be shared with other parties in order to maintain safety in the workplace or elsewhere. [Employer] shall also notify the employee of the name and title of the person with whom [Employer] intends to share the employee's statements, and shall explain the necessity for and purpose of said disclosure.

### V. Employer Responses to Violence

#### A. Responses to Victims

1. **Nondiscrimination and Non-Retaliation**

[Employer] shall not discriminate in hiring, staffing, or conditions of employment against any employee for disclosing his or her status as a victim of violence or for submitting a complaint or disclosing concerns about violence to [Employer]. [Employer] shall not retaliate or take adverse employment actions against any employee for submitting a complaint pursuant to this policy, for disclosing his or her status as a victim, or for actions of violence perpetrated by another against an employee that occur in or have an impact on the workplace.

2. **Leave and Other Workplace Assistance**

[Employer] recognizes that victims of domestic violence, sexual violence, dating violence, and stalking may need time off to secure medical assistance, legal assistance, counseling, or to attend to other matters related to the violence, such as court proceedings, relocation, or safety planning for them or for a family member. [Employer]

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138 will make every reasonable effort to assist an employee to maintain employment when  
139 the employee is experiencing or has experienced violence in the workplace, or has  
140 experienced violence outside the workplace, or is assisting a family member who has  
141 experienced domestic violence, sexual assault, dating violence or stalking. [Employer]  
142 will work in collaboration with the employee to provide reasonable and flexible leave  
143 options when an employee, or a child, spouse, or parent of an employee, is a victim of  
144 domestic violence, sexual violence, dating violence, or stalking. [Employer] will work  
145 with employee to provide paid leave first before requiring an employee to utilize unpaid  
146 leave. When the need for time off is foreseeable, an employee must provide reasonable  
147 advance notice to the employer unless advance notice is not feasible. To request Leave,  
148 employee should contact \_\_\_\_\_. [Employer] will also work with employee  
149 to determine if other non-leave-related assistance will facilitate employee's ability to  
150 remain safe and maintain his or her work performance, such as, but not limited to,  
151 modifying work schedules, changing employee's location within the workplace or  
152 location of a parking spot, changing phone numbers, arranging telecommuting options,  
153 etc. [Employer] will assist employee to enforce his or her protection order, if applicable.  
154

### 155 3. Access to Unemployment Insurance Benefits

156 [Employer] recognizes that in certain situations it is no longer feasible for employee who  
157 is a victim of violence to continue working for [Employer]. In such circumstances,  
158 [Employer] shall provide to employee information regarding access to unemployment  
159 insurance benefits and shall not contest immediate commencement of benefits.  
160 [Employer] has designated \_\_\_\_\_ at \_\_\_\_\_ to provide accurate information  
161 regarding unemployment benefits for victims of violence.  
162

### 163 4. Work Performance

164 [Employer] recognizes that employees who are victims of violence may experience  
165 temporary difficulty fulfilling job responsibilities. If [Employer] becomes aware that an  
166 employee's work performance or conduct has been impacted by domestic violence,  
167 sexual violence, dating violence, or stalking, [Employer] will offer support to the  
168 employee and work in collaboration with the employee to address the issues, in  
169 accordance with established policies within the workplace. [Employer] may develop a  
170 work plan with employee, provide leave and other accommodations as specified in  
171 (IV)(A)(ii), provide referrals to support or advocacy agencies, advise employee of his or  
172 her rights regarding unemployment insurance as specified in (IV)(A)(iii), and maintain a  
173 separate and confidential record of employee's status as a victim of domestic violence,  
174 sexual violence, dating violence, or stalking to ensure to victim that his or her rights and  
175 privileges of employment are not impacted or compromised as a result of the violence.  
176

### 177 5. Protection and Restraining Orders

178 [Employer] recognizes that a victim of violence may seek an order of protection, or may  
179 receive a restraining order, as part of his or her efforts to become safe and as part of his or  
180 her workplace safety plan. [Employer] recognizes that the workplace may or may not be  
181 included on an order as a location from which a perpetrator must remain away. If an  
182 employee chooses to disclose the existence of a protection or restraining order to  
183 [Employer], [Employer] may, wherever possible, assist the employee to enforce his or

184 her order, shall archive said order in a confidential and separate file from employee's  
 185 personnel file, and, if applicable, may assist employee to gather documentation from the  
 186 workplace, such as emails or voice messages, that could support the employee's efforts in  
 187 the justice system or otherwise to obtain or maintain safety from a perpetrator.  
 188

### 189 **B. Responses to Employees Concerned About Violence**

190 Employees who suspect or witness acts of violence in the workplace, or who suspect or witness  
 191 violence against an employee or perpetrated by an employee, are encouraged to report their  
 192 concerns to the authorized person within [Employer]. [Employer] shall not retaliate against,  
 193 terminate, or discipline any employee for reporting concerns about workplace related incidents  
 194 of violence pursuant to this policy, including an allegation that the act was perpetrated by a  
 195 fellow employee or person in a management capacity. Prohibited acts of retaliation include, but  
 196 are not limited to, demotion or withholding of earned pay, as well as acts of personal retaliation,  
 197 such as those related to an employee's immigration status or sexual orientation, for example.  
 198 Any employee who believes he or she has been subjected to adverse action as a result of making  
 199 a report pursuant to this policy should contact \_\_\_\_\_ at \_\_\_\_\_ within [Employer]. Any  
 200 allegations of violations of this policy will be promptly investigated.  
 201

### 202 **C. Responses to Employees Who Commit Violence**

203 If an employee discloses that he or she has committed a workplace-related incident of violence,  
 204 as defined in (II)(H), or if a supervisor becomes aware that an employee may have committed  
 205 such incident, the supervisor shall conduct or refer the employee to the designated individual as  
 206 specified in Section VI below to conduct appropriate investigations, interventions, and referrals.  
 207 [Employer] shall investigate immediately and take disciplinary action, up to and including  
 208 termination, against any employee who threatens to commit or who commits workplace-related  
 209 incidents of domestic violence, sexual assault, dating violence, or stalking. Employees are  
 210 prohibited from utilizing any workplace resources, such as work time, phones, email, computers,  
 211 fax machines or other means to threaten, harass, intimidate, embarrass or otherwise harm another  
 212 person. An employee who is subject to a protection or restraining order, or a named defendant in  
 213 a criminal action as a result of a threat or act of domestic violence, sexual violence, dating  
 214 violence, or stalking, must disclose the existence of such criminal or civil action if the conditions  
 215 of such actions interfere with the employee's ability to perform his or her job, impact another  
 216 employee at [Employer], or specifically relate or name [Employer]. Failure to disclose the  
 217 existence of such criminal or civil actions in these circumstances will result in disciplinary  
 218 action, up to and including termination from employment.  
 219

### 220 **VI. Reporting and Referrals**

221 Employees who are victims of domestic violence, sexual violence, dating violence, and stalking,  
 222 and employees who are concerned about coworkers who are victims or who have witnessed acts  
 223 or threatened acts of violence are encouraged to provide a report to [Employer]. [Employer] has  
 224 designated \_\_\_\_\_ in the \_\_\_\_\_ office at \_\_\_\_\_ as the person to whom such reports  
 225 should be made. [Employer]'s designated employee shall provide community referrals and  
 226 resources to employees in order to assist employees with their concerns or experiences regarding  
 227 violence.  
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229 An employee should also contact \_\_\_\_\_ at \_\_\_\_\_ if he or she wishes to report a  
230 violation of this policy. As stated in (V)(A)(i), [Employer] will not subject employees who report  
231 violence or report a violation of this policy to work-related or personal retaliation.

## REPORT

### **INTRODUCTION: HIGH RATES OF PREVALENCE OF VIOLENCE**

Domestic violence, dating violence, sexual assault and stalking (DSV)<sup>1</sup> are epidemics in our society with dramatic, negative effects on individuals, families and communities. These crimes know no economic, racial, ethnic, religious, age, sexual orientation or gender limits.

By conservative estimates, 2,800,000 people are victimized by intimate partners annually.<sup>2</sup> A recent study which looked to current and lifetime victimization rates determined that “29% of

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<sup>1</sup> The ABA Commission on Domestic Violence defined these terms in its Standards of Practice For Lawyers Representing Victims of Domestic Violence, Sexual Assault and Stalking in Civil Protection Order Cases (adopted as ABA Policy, August 2007) as follows:

“Domestic Violence”: Physical abuse, alone or in combination with sexual, economic or emotional abuse, stalking, or other forms of coercive control, by an intimate partner or household member, often for the purpose of establishing and maintaining power and control over the victim.

“Sexual Assault”: Any type of non-consensual touching or sexual penetration, however slight. Sexual assault may be perpetrated by an intimate partner (including a spouse), a non-intimate person known to the victim, or a stranger.

“Stalking”: A course of conduct directed at a specific person that would cause a reasonable person to experience fear.

“Dating Violence”: Physical abuse, alone or in combination with sexual, economic or emotional abuse, stalking, or other forms of coercive control, by a person who is or has been in a romantic or intimate relationship with the victim, often for the purpose of establishing and maintaining power and control over the victim.

*See also* 42 U.S.C. 13925 §§ (8), (9), (10), (29), (30). ((8)Domestic violence.— The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that persons acts under the domestic or family violence laws of the jurisdiction;

(9) Dating partner.— The term “dating partner” refers to a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, and where the existence of such a relationship shall be determined based on a consideration of—

(A) the length of the relationship;

(B) the type of relationship; and

(C) the frequency of interaction between the persons involved in the relationship;

(10) Dating violence.— The term “dating violence” means violence committed by a person—

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship.

(ii) The type of relationship.

(iii) The frequency of interaction between the persons involved in the relationship;

(29) Sexual assault.— The term “sexual assault” means any non-consensual sexual act proscribed by Federal, tribal or State law, including when the victim lacks capacity to consent;

(30) Stalking.— The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

(A) fear for his or her safety or the safety of others; or

(B) suffer substantial emotional distress.).

<sup>2</sup> Patricia Tjaden & Nancy Theonnes, U.S. Department of Justice, Full Report of the Prevalence, Incidence, and Consequences of Violence Against Women 26 (2000).

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male workers and 40% of female workers reported having been subjected to intimate partner violence at some point in their lives.”<sup>3</sup> The researchers determined that victimization rates in the workplace were higher than those in the general populace because DSV victims are “overrepresented in the workplace.”<sup>4</sup>

Sexual assault and rape also are endemic throughout the United States. Nearly 1 in 5 women aged 18 and older report having been raped in their lifetime (18.3%), with almost half of all women having experienced some other form of sexual violence in their lifetime (44.6%).<sup>5</sup> Nearly a quarter (22.2%) of men aged 18 and older report experiencing some form of sexual violence over the course of their lifetime.<sup>6</sup> More than half (51.1%) of female rape victims report being raped by an intimate partner and 40.8% by an acquaintance; for male victims, over half (52.4%) reported being raped by an acquaintance and 15.1% by a stranger.<sup>7</sup> Although the majority of sexual assault victims are assaulted by perpetrators who are known to them, many perpetrators are not intimate partners.<sup>8</sup>

Similarly, high rates of stalking experienced by women and men in the United States remains an issue of public health concern. The Centers for Disease Control and Prevention (CDC) report that 1 in 6 women and 1 in 19 men in the U.S. have experienced some type of stalking behavior over their lifetime, causing them to fear for their safety or the safety of someone close to them.<sup>9</sup>

Additionally, lesbian, gay, bisexual and transgender (LGBT) people experience domestic and intimate partner violence and sexual violence at rates similar to or higher than heterosexual and/or cisgender<sup>10</sup> people.<sup>11</sup>

These dramatic statistics are likely higher in reality, as all of these crimes are underreported.<sup>12</sup>

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<sup>3</sup> See Lisalyn R. Jacobs & Maya Raghu, 2010, *The Need for a Uniform Federal Response to the Workplace Impact of Interpersonal Violence* 598 (Reeves, Carol A. & O’Leary-Kelly, Anne M., U.S. Dep’t of Justice, A Study of Effects of Intimate Partner Violence in the Workplace, 16 (2009).

<sup>4</sup> Id. At 45 (Survivors require economic autonomy and stability to leave or stay safe following abuse or an assault).

<sup>5</sup> Black, M., Basile, K., Breiding, M., Smith, S., Walters, M., Merrick, M., Chen, J., & Stevens, M. *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report*. National Center for Injury Prevention and Control, Centers for Disease Control and Prevention (2011), available at: [http://www.cdc.gov/violenceprevention/pdf/nisvs\\_report2010-a.pdf](http://www.cdc.gov/violenceprevention/pdf/nisvs_report2010-a.pdf), accessed on February 28, 2013.

<sup>6</sup> Id.

<sup>7</sup> Workplaces Respond. The Facts on the Workplace and Sexual Violence, <http://workplacesrespond.org/learn/the-facts/the-costs-of-sexual-violence> (citing Centers For Disease Control, National Intimate Partner and Sexual Violence Survey: 2010 Summary Report (Dec. 2011). Available at [http://www.cdc.gov/ViolencePrevention/pdf/NISVS\\_Report2010-a.pdf](http://www.cdc.gov/ViolencePrevention/pdf/NISVS_Report2010-a.pdf)).

<sup>8</sup> This may include, inter alia, supervisors, coworkers, and classroom peers.

<sup>9</sup> Id.

<sup>10</sup> People who identify with the gender/sex assigned to them at birth: people who are not transgender. See FORGE, Transgender 101, [http://forge-forward.org/wp-content/docs/T101\\_short\\_rev20101.pdf](http://forge-forward.org/wp-content/docs/T101_short_rev20101.pdf) (last visited March 24, 2014).

<sup>11</sup> Walters, M.L., Chen, J., and Breiding, M.J., The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Findings on Victimization by Sexual Orientation, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, Atlanta, Georgia, January 2013.

<sup>12</sup> See Patricia Tjaden & Nancy Theonnes, 2000, National Violence Against Women Survey, U.S. Department of Justice < <http://www.ncjrs.gov/txtfiles1/nij/183781.txt>> (last visited February 21, 2014) (For example, around 83 percent of all rapes committed by an intimate partner are not reported to law enforcement).

### EMPLOYERS NEED TO PROACTIVELY ADDRESS DSV

Domestic, dating, sexual and stalking violence are workplace issues that do not stay at home when victims and perpetrators go to work. DSV can compromise the safety of employees and directly interfere with the work of an organization, by decreasing morale and productivity,<sup>13</sup> as well as by increasing absenteeism and health costs. The CDC estimated that the cost of intimate partner rape, physical assault and stalking totaled \$5.8 billion each year for direct medical and mental health care services and lost productivity from paid work and household chores.<sup>14</sup> Of this, total productivity losses accounted for nearly \$1.8 billion in the United States in 1995. When updated to 2003 dollars, the cost of intimate partner rape, physical assault and stalking is more than \$8.3 billion.<sup>15</sup>

Proactively addressing DSV is a good practice for employers. “94% of corporate security and safety directors at companies nationwide ranked domestic violence as a high security concern.”<sup>16</sup> In addition, 55% of senior executives believe domestic violence hurts their businesses’ productivity,<sup>17</sup> 61% indicated that their insurance and health care costs increased due to domestic violence,<sup>18</sup> 70% found their worker attendance affected by domestic violence,<sup>19</sup> and 55% found domestic violence to be a cause of employee turnover.<sup>20</sup>

In addition, employers have legal obligations to address DSV, which implicate a broad range of existing federal and state labor and employment laws. For example, perpetrators of sexual assault may be supervisors, managers, co-workers, customers or clients. As a result, an employer’s legal obligations to respond to and remedy sexual harassment claims pursuant to Title VII of the Civil Rights Act of 1964 may be triggered by acts of DSV.<sup>21</sup> Furthermore, an employer may also need to meet its Americans with Disabilities Act obligations to accommodate victims with disabilities as a result of the violence.<sup>22</sup>

Looking at DSV from a business perspective, employers have financial, in addition to ethical and legal, incentives to proactively address the needs of employee-victims and employee-perpetrators.

<sup>13</sup> U.S. Merit Systems Protection Board, Employee Perceptions of Federal Workplace Violence, 3, September 2012.

<sup>14</sup> Costs of Intimate Partner Violence Against Women in the United States, Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. 2003.

<sup>15</sup> Max, W, Rice, DP, Finkelstein, E, Bardwell, R, Leadbetter, S. 2004. The Economic Toll of Intimate Partner Violence Against Women in the United States. Violence and Victims, 19(3) 259-272.

<sup>16</sup> National Safe Workplace Institute survey, as cited in "Talking Frankly About Domestic Violence," Personnel Journal, April, 1995, page 64. NOTE: The National Safe Workplace Institute is now called the National Institute for School and Workplace Safety.

<sup>17</sup> Safe Horizon, the Corporate Alliance to End Partner Violence, and Fifth & Pacific Companies, Inc. (formerly Liz Claiborne Inc.), Workplace and Domestic Violence Survey, 2007.

<sup>18</sup> Id.

<sup>19</sup> Id.

<sup>20</sup> Id.

<sup>21</sup> U.S. Equal Employment Opportunity Commission, Questions and Answers: The Application of Title VII and the ADA to Applicants or Employees Who Experience Domestic or Dating Violence, Sexual Assault, or Stalking, [http://www.eeoc.gov/eeoc/publications/qa\\_domestic\\_violence.cfm#\\_edn8](http://www.eeoc.gov/eeoc/publications/qa_domestic_violence.cfm#_edn8) (last visited March 22, 2014).

<sup>22</sup> Id.

### THE WORKPLACE CONSEQUENCES OF DSV FOR EMPLOYEES EXPERIENCING VIOLENCE

Domestic violence intersects with employment in myriad ways. A 2006 national survey found that 21% of full-time employed adult respondents (women and men) identified themselves as victims of intimate partner violence.<sup>23</sup> The same study reported that: 64% of domestic violence victims found that their ability to work was impacted by abuse; 40% experienced “harassment by an intimate partner at work (either by phone or in person),” and 34% reported that “fear of intimate partner’s unexpected visits” caused reduced productivity.<sup>24</sup> Batterers undermine their victims’ work by preventing them from getting to work on time or at all, disabling their car, hiding or taking their car keys, slashing their tires, taking or hiding their cash, or sabotaging childcare.<sup>25</sup> Another study found that 56% of battered women arrived at work one hour late five times per month because of the abuse.<sup>26</sup> A different survey found that 74% of working female domestic violence victims were harassed at work by their partner.<sup>27</sup> Female victims of rape or sexual assault report diminished work functioning for up to eight months following the attack.<sup>28</sup>

According to a 2006 study from the U.S. Bureau of Labor Statistics, nearly one in four large private industry establishments (with more than 1,000 employees) reported at least one onsite incidence of domestic violence, including threats and assaults, in the past year,<sup>29</sup> and the U.S. Department of Justice estimates that eight percent of rapes occur while the victim is working.<sup>30</sup> Also very troubling is the fact that nearly 33% of women killed in U.S. workplaces between 2003 and 2008 were killed by a current or former intimate partner.<sup>31</sup>

According to the CDC, domestic violence victims lose a total of nearly 8 million days of paid work, the equivalent of more the 32,000 full-time jobs, and nearly 5.6 million days of household productivity as a result of abuse.<sup>32</sup> In 2000, 36% of rape/sexual assault victims lost more than 10

<sup>23</sup> Corporate Alliance to End Partner Violence, Facts and Statistics: Workplace Statistics, <[http://www.caepv.org/getinfo/facts\\_stats.php?factsec=3](http://www.caepv.org/getinfo/facts_stats.php?factsec=3)> (last visited May 23, 2014).

<sup>24</sup> Id. According to one study, 74% of victims are harassed at work by their abuser. Id. at 12 (citing Victim Services of New York, Report on Costs of Domestic Violence, (1987)).

<sup>25</sup> Weiser, Wendy R. & Widiss, Deborah A, supra n. 15, at n. 3. (See McFarlane, J., Malecha, A. Gist, J, Schulz, P. et al., Indicators Of Intimate Partner Violence In Women’s Employment: Implications For Workplace Action, AAOHN Journal (2000) 48(5), 215 (44% of domestic violence victims surveyed were left without transportation to get to work when their abuser disabled their car or hid their car keys).

<sup>26</sup> Corporate Alliance to End Partner Violence, Facts and Statistics: Workplace Statistics, supra n. 13.

<sup>27</sup> Bureau of Labor Statistics, U.S. Dept. of Labor, Census of Fatal Occupational Injuries: Table A-7 Fatal occupational injuries by worker characteristics and event or exposure (2008).

<sup>28</sup> Id. (citing Resick, P.A., Calhoun, K.S., Atkeson, B.M. & Ellis, E.M., Social Adjustment In Victims Of Sexual Assault, Journal of Consulting and Clinical Psych., 49 (1981), 705-712 , as cited in Koss, M.P., The Rape Victim, Thousand Oaks, CA, Sage Publications, p. 62 (1991).

<sup>29</sup> U.S. Department of Labor, Bureau of Labor Statistics. 2006. Survey of Workplace Violence Prevention, 2005. Washington, DC. Available at: <http://www.bls.gov/iif/oshwc/osnr0026.pdf>

<sup>30</sup> Duhart, D. (2001). Violence in the Workplace, 1993-99. Bureau of Justice Statistics. Available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/vw99.pdf>.

<sup>31</sup> Tiesman H, Gurka K, Konda S, Coben J, Amandus HE. (2012). Workplace Homicides Among U.S. Women: The Role of Intimate Partner Violence. Ann Epidemiol; 22:277–284. Available at: [http://www.annalsofepidemiology.org/article/S1047-2797\(12\)00024-5/abstract](http://www.annalsofepidemiology.org/article/S1047-2797(12)00024-5/abstract).

<sup>32</sup> Corporate Alliance to End Partner Violence, Facts and Statistics: Workplace Statistics, supra n. 12 (citing U.S. Centers for Disease Control, Costs of Intimate Partner Violence Against Women in the United States (Apr. 28, 2003)).

days of work after their victimization.<sup>33</sup> Two recent studies of partner stalking of survivors found that between 15.2 and 27.6% of women reported that they lost a job due, at least in part, to domestic violence.<sup>34</sup> Similarly, almost 50% of sexual assault survivors lose their jobs or are forced to quit in the aftermath of the assaults.<sup>35</sup> A recent U.S. DOJ study reveals that more than half of the stalking survivors surveyed lost five or more days from work, and 130,000 survivors reported being fired from or asked to leave their jobs because of stalking.<sup>36</sup> A U.S. General Accounting Office study found that close to 50% of sexual assault victims lost their jobs or were forced to quit following their assault.<sup>37</sup>

### **THE WORKPLACE CONSEQUENCES OF EMPLOYEES WHO ARE DSV PERPETRATORS**

One overlooked element of DSV and the workplace is that employees may be perpetrators of violence. People who perpetrate abuse often use workplace time, resources and property (company telephone and computer, company car, etc.) to do so. One study found that 78% of abusers reported using employer resources in connection with an abusive relationship.<sup>38</sup> In addition, “48% of abusers reported having difficulty concentrating at work and 42% reported being late to work.”<sup>39</sup> Perpetrators of violence may also present with absenteeism and may cause accidents or endanger their colleagues. A 2012 study of domestic violence perpetrators in Vermont found that 80% of the perpetrators said their own job performance was negatively affected by their perpetration of domestic violence.<sup>40</sup> Of the perpetrators surveyed, 19% caused or almost caused an accident at work.<sup>41</sup> In many cases supervisors were aware of the perpetrator’s behavior but failed to confront/admonish the employee about it.<sup>42</sup>

### **ESTABLISHING A FORMAL WORKPLACE POLICY IS A GOOD BUSINESS PRACTICE**

DSV, whether it occurs at work or away from it, has workplace consequences that affect not only employees who are victims, but also co-workers, managers, employees who perpetrate violence

<sup>33</sup> *Id.*

<sup>34</sup> Logan, TK, et. al, Partner Stalking and Implications for Women’s Employment, 22 J. Interpersonal Violence 268 (2007).

<sup>35</sup> U.S. Gen. Acct. Office, Domestic Violence Prevalence and Implications for Employment Among Welfare Recipients, 19 (Nov. 1998); S. Rep. No. 138, 103rd Cong., 2d Sess. 54 n 69 (citing E. Ellis, B. Atkeson & K. Calhoun, An Assessment of the Long Term Reaction to Rape, 50 J. Abnormal Psychol., 264 (1981)).

<sup>36</sup> Baum, K., et. al., Bureau of Justice Statistics, U.S. Dep’t of Justice, Stalking Victimization in the United States, 1 (2009), <http://bjs.ojp.usdoj.gov/content/pub/pdf/svus.pdf>. (Please note that 130,000 is not the number of stalking victims nationwide who were terminated but is the number of respondents to the survey).

<sup>37</sup> Weiser, Wendy R. & Widiss, Deborah A., Employment Protection for Domestic Violence Victims, Clearinghouse Review Journal of Poverty Law and Policy (May-June 2004) at p. 4, n. 4 (citing U.S. General Accounting Office, Domestic Violence Prevalence and Implications for Employment Among Welfare Recipients, at 19 (1998)).

<sup>38</sup> See Lisalyn R. Jacobs & Maya Raghu, 2010, The Need for a Uniform Federal Response to the Workplace Impact of Interpersonal Violence 598 (citing Ellen Ridley, Impact of Domestic Violence Offenders on Occupational Safety and Health: A Pilot Study, 13-14, Maine Dep’t of Labor & Family Crisis Services, *available at* <http://www.cobar.org/Docs/MaineDVStudy-FullReport2004.pdf?ID=21106> (last visited March 26, 2014).

<sup>39</sup> *Id.* at 598.

<sup>40</sup> Michele Cranwell Schmidt & Autumn Barnett, Vermont Council on Domestic Violence, Center for Rural Studies at the University of Vermont, & Violence Intervention and Prevention Programs at Spectrum Youth & Family Services, Effects of Domestic Violence on the Workplace: A Vermont survey of male offenders enrolled in batterer intervention programs, January 2012, pg. 5.

<sup>41</sup> *Id.*

<sup>42</sup> *Id.* (83% of supervisors were aware of why respondents took time off of work due to their domestic violence offense; however, only 32% of supervisors gave any response to the employee about his domestic violence incident, his behavior, or his relationship in general).

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and customers or clients. Yet over 70% of workplaces in the U.S. have no formal workplace violence program or policy,<sup>43</sup> and only 4% of employers actually train their workforce on domestic violence.<sup>44</sup> Although many organizations may have “workplace violence” policies or protocols in place that they assume are adequate for addressing DSV, domestic, dating, sexual and stalking violence have unique features that require dedicated employer attention. Additionally, employees who are victims may not recognize that their employer has policies and protocols in place that address their workplace needs.<sup>45</sup> A workplace policy that addresses DSV and its workplace impacts provides a guide for employers, supervisors and employees not only to respond to DSV in supportive, safe and effective ways, but also to engage in prevention as well.

## **U.S. DEPARTMENT OF JUSTICE POLICY STATEMENT, FEDERAL WORKPLACE RESPONSES TO DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING**

On April 18, 2012, U.S. President Barack Obama issued a Presidential Memorandum “Establishing Policies for Addressing Domestic Violence in the Federal Workforce.”<sup>46</sup> The memorandum requires federal agencies to take the following steps to address the workplace impacts of violence: (1) Develop and issue a guidance to federal agencies related to domestic violence and its effects on the Federal workforce;<sup>47</sup> (2) Establish a technical assistance process for federal agencies related to these issues;<sup>48</sup> (3) Determine if further guidance was necessary as related to sexual assault and stalking;<sup>49</sup> and, *inter alia*, (4) Require each federal agency to develop or modify policies for addressing the effects of domestic violence on the workforce.<sup>50</sup> The Office of Personnel Management subsequently issued a guidance for federal agencies to develop policies addressing these issues.<sup>51</sup>

In November 2013, the U.S. Department of Justice (DOJ) was the first major federal agency to release a final policy in accordance with this Presidential Memorandum.<sup>52</sup> DOJ has over 150,000 employees, and thus the policy will impact thousands of employees and federal contractors. The

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<sup>43</sup> See Lisalyn R. Jacobs & Maya Raghu, 2010, The Need for a Uniform Federal Response to the Workplace Impact of Interpersonal Violence 599 (citing Security and Financial Empowerment Act, § 2.11).

<sup>44</sup> *Id.* According to a Society for Human Resource Management survey that was commissioned by Futures Without Violence, 53% of organizations indicated that they did not provide training on domestic violence, sexual violence and stalking because they were “covered in sexual harassment training or other training.” Society for Human Resource Management, The Workplace Impact of Domestic and Sexual Violence and Stalking, January 29, 2013.

<sup>45</sup> See Workplace and Domestic Violence Survey, *Supra* N.17 (72% of executives say their companies offer programs and services that address domestic violence but less than half of employees (47%) are even aware of this fact).

<sup>46</sup> Obama, B., Memorandum for the Heads of Executive Departments and Agencies Subject: Establishing Policies for Addressing Domestic Violence in the Federal Workforce, April 12, 2012 (<http://www.whitehouse.gov/the-press-office/2012/04/18/presidential-memorandum-establishing-policies-addressing-domestic-violence>).

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> United States Office of Personnel Management, Guidance for Agency-Specific Domestic Violence, Sexual Assault, and Stalking Policies, (February 2013) <http://www.opm.gov/policy-data-oversight/worklife/reference-materials/guidance-for-agency-specific-dvsas-policies.pdf> (last visited March 25, 2014).

<sup>52</sup> Department of Justice Policy Statement, Federal Workplace Responses to Domestic Violence, Sexual Assault, and Stalking, 1200.02 (Nov.19, 2013) (“Policy Statement”), available at <http://www.ovw.usdoj.gov/docs/federalworkplace-responses-to-domesticviolence-sexualassault-stalking.pdf>.

DOJ policy is an example of a well-structured workplace DSV policy. The DOJ policy includes a comprehensive definitions section, which broadly defines “domestic violence” to include “emotional and/or psychological intimidation, verbal abuse, stalking, economic control, harassment, threats,”<sup>53</sup> as well as “actual or threatened physical violence.”<sup>54</sup> Importantly, the policy addresses not only domestic violence, but also focuses on sexual assault,<sup>55</sup> including sexual harassment,<sup>56</sup> and stalking.<sup>57</sup>

The DOJ policy also establishes a wide jurisdictional scope, defining the “workplace” to include “not only federal offices or facilities, or use of federal resources, but anywhere that a DOJ employee is conducting DOJ business.”<sup>58</sup> This recognizes how DSV may intersect with telecommuting, work-related travel, a contractor’s functions, and how DSV that takes place outside of a workplace affects an employee’s employment.<sup>59</sup>

Also, the DOJ policy is employee-victim centered, meaning that it purports to support employees who are DSV victims, and specifically does so by supporting the “victim’s autonomy, assessment of danger, confidentiality, and right to privacy, to the extent possible.”<sup>60</sup> One example of this is that supervisors are to take into account an employee’s experience of DSV when engaging in performance appraisals and reviews.<sup>61</sup>

Finally, the DOJ policy takes a strong stance on perpetrator accountability, by clearly enumerating disciplinary actions and potential legal implications for employees who perpetrate DSV within and outside of the workplace (where a causal connection to employment performance is present), up to and including termination from employment.<sup>62</sup>

#### **ESSENTIAL COMPONENTS OF A WORKPLACE DSV POLICY**

A strong workplace DSV policy must be tailored to the size, industry and culture of each workplace. Even so, there are several essential components of a policy for the policy to safely and effectively address both the needs of employers and those of employees. These elements include:

- Definitions
- Anti-Discrimination and Retaliation language
- Description of Persons Covered by the Policy
- Confidentiality Provisions of the Policy
- Outlining of Employer Responses to DSV to employees, contractors and/or students who are victims or perpetrators

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<sup>53</sup> Id.

<sup>54</sup> Id. at 5.

<sup>55</sup> Id. at 6.

<sup>56</sup> Id.

<sup>57</sup> Id. at 7.

<sup>58</sup> Maya Raghu, Department of Justice Issues Workplace Domestic & Sexual Violence Policy, The Workplace Violence Prevention eReport, Volume 6, January/February 2014, pg. 2 (citing Policy Statement, *Supra* n.50 at 5).

<sup>59</sup> Id.

<sup>60</sup> Id.

<sup>61</sup> Policy Statement, *Supra* n.50 at 9-10, 17.

<sup>62</sup> Id. at 19.

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- Reporting & Referrals

## ABA SUPPORT

The ABA has a long history of supporting legislation (1) addressing domestic, dating, sexual and stalking violence;<sup>63</sup> (2) addressing the workplace consequences of domestic, dating, sexual and stalking violence;<sup>64</sup> (3) addressing workplace violence;<sup>65</sup> (4) addressing gender bias in the legal profession;<sup>66</sup> and (5) addressing discrimination against Lesbian, Gay, Bisexual and/or Transgender persons.<sup>67</sup> This resolution is a natural extension of these preexisting policies and provides a concrete model policy that promotes enacted ABA policy.

## CONCLUSION

Rates of domestic violence, dating violence, sexual violence, and/or stalking violence are epidemic and have profound effects on people's lives and workplaces. The vast majority of workplaces do not have policies or protocols in place to support employee victims in the workplace and to hold employee offenders accountable. It is critical that employers proactively address these crimes to ensure the safety of their workforce and to promote the productivity of their organizations.

Respectfully Submitted,

Angela Vigil, Chair  
ABA Commission on Domestic & Sexual Violence  
August 2014

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<sup>63</sup> See ABA, Recommendation, Report No. 115 (Feb. 2010) (urging Congress to re-authorize and fully fund VAWA); ABA Commission on Domestic Violence and Commission on Immigration, Recommendation, Report No. 109 (Aug. 2008) (urging federal, state, and tribal governments to strengthen protection and assistance for victims of gender-based violence); ABA Section of Criminal Justice, Recommendation, Volume 103 (Feb. 1978) (supporting efforts to combat family violence).

<sup>64</sup> See generally ABA, Recommendation, Report No. 121.2.2 (Aug. 1996) (condemning lawyers or judges who engage in professional behavior which would constitute or condone domestic violence, urging judges and lawyers to institute workplace protocols to address domestic violence, and encouraging continuing education).

<sup>65</sup> See generally ABA, Recommendations Report No. 123.2 (August. 1998) (urging employers to address workplace violence by adopting policies and practices to help them better prevent and manage on-site violence and threats).

<sup>66</sup> See generally, ABA, Recommendation, Report No. 121 (Jun. 1998) (recommendation the ABA recognize the persistence of barriers to women's advancement in the profession; affirm the principle that there is no place in the profession for such barriers; and call upon members of the profession to eliminate these barriers by refusing to participate in, acquiesce in or condone barriers to women's full integration and participation in the profession); Recommendation, Report No. 117.1.2 (Feb. 1992) (condemning sexual harassment).

<sup>67</sup> See generally, Recommendation, Report No. 8 (Feb. 1989) (urges the Federal government, the states and local governments to enact legislation prohibiting discrimination on the basis of sexual orientation in employment, housing and public accommodations); Recommendation, Report No. 10A (Aug. 1996) (recommends that state and local bar associations study bias in their community against gays and lesbians within the legal profession and justice system); Recommendation, Report No. 122B (Aug. 2006) (urges federal, state, local, and territorial governments to enact legislation prohibiting discrimination on the basis of actual or perceived gender identity or expression, in employment, housing and public accommodations).

**GENERAL INFORMATION FORM**

**SUBMITTING ENTITY:** Commission on Domestic & Sexual Violence  
**SUBMITTED BY:** Angela Vigil, Chair

**1. SUMMARY OF RESOLUTION(S).**

The Resolution encourages all employers, public and private, including governments, law schools and the legal profession, to enact formal policies on the workplace impacts of domestic violence, dating violence, sexual violence, and/or stalking violence, that address prevention, provide assistance to employees who experience violence, and which hold employees who perpetrate violence accountable. The Resolution also presents a model policy from which employers may develop their own workplace protocols and procedures.

**2. APPROVAL BY SUBMITTING ENTITY.**

The Commission voted to support the resolution and report on April 22, 2014

**3. HAS THIS OR A SIMILAR RESOLUTION BEEN SUBMITTED TO THE HOUSE OR BOARD PREVIOUSLY?**

No.

**4. WHAT EXISTING ASSOCIATION POLICIES ARE RELEVANT TO THIS RESOLUTION AND HOW WOULD THEY BE AFFECTED BY ITS ADOPTION?**

- Recommendation, Report No. 115 (Feb. 2010) (urging Congress to re-authorize and fully fund VAWA)
- Report No. 109 (Aug. 2008) (urging federal, state, and tribal governments to strengthen protection and assistance for victims of gender-based violence); ABA Section of Criminal Justice, Recommendation, Volume 103 (Feb. 1978) (supporting efforts to combat family violence).
- Recommendation, Report No. 121.2.2 (Aug. 1996) (condemning lawyers or judges who engage in professional behavior which would constitute or condone domestic violence, urging judges and lawyers to institute workplace protocols to address domestic violence, and encouraging continuing education).
- Recommendations Report No. 123.2 (August. 1998) (urging employers to address workplace violence by adopting policies and practices to help them better prevent and manage on-site violence and threats).
- Recommendation, Report No. 121 (Jun. 1998) (recommendation the ABA recognize the persistence of barriers to women's advancement in the profession; affirm the principle that there is no place in the profession for such barriers; and call upon members of the profession to eliminate these barriers by refusing to participate in, acquiesce in or condone barriers to women's full integration and participation in the profession)
- Recommendation, Report No. 117.1.2 (Feb. 1992) (condemning sexual harassment).

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- Recommendation, Report No. 8 (Feb. 1989) (urges the Federal government, the states and local governments to enact legislation prohibiting discrimination on the basis of sexual orientation in employment, housing and public accommodations)
- Recommendation, Report. No. 10A (Aug. 1996) (recommends that state and local bar associations study bias in their community against gays and lesbians within the legal profession and justice system)
- Recommendation, Report No. 122B (Aug. 2006) (urges federal, state, local, and territorial governments to enact legislation prohibiting discrimination on the basis of actual or perceived gender identity or expression, in employment, housing and public accommodations).
- These policies would not be adversely affected by the adoption of the proposed policy.

**5. WHAT URGENCY EXISTS WHICH REQUIRES ACTION AT THIS MEETING OF THE HOUSE?**

Domestic violence, dating violence, sexual violence, and/or stalking violence have profound effects on workplaces, and in particular, for employees who are victims of these crimes. The vast majority of workplaces do not have policies or protocols in place to support employee victims in the workplace and to hold employee offenders accountable. It is critical that employers address these crimes to ensure the safety and productivity of their workplaces.

**6. STATUS OF LEGISLATION.**

There is no legislation related to this resolution.

**7. BRIEF EXPLANATION REGARDING PLANS FOR IMPLEMENTATION OF THE POLICY, IF ADOPTED BY THE HOUSE OF DELEGATES.**

Upon adoption, the Commission on Domestic & Sexual Violence will encourage ABA members and others to adopt some version of the proposed workplace policy in their own workplaces.

**8. COST TO THE ASSOCIATION.**

None.

**9. DISCLOSURE OF INTEREST.**

N/A

**10. REFERRALS.**

Labor and Employment Law  
Family Law  
Business Law  
Individual Rights and Responsibilities  
Criminal Law  
Women in the Profession

**11. CONTACT NAME AND ADDRESS INFORMATION.**

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**12. CONTACT NAME AND ADDRESS INFORMATION. (Who will present the report to the House? Please include name, address, telephone number, cell phone number and e-mail address)**

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## EXECUTIVE SUMMARY

- 1. SUMMARY OF THE RESOLUTION.**  
The Resolution encourages all employers, public and private, including governments, law schools and the legal profession, to enact formal policies on the workplace impacts of domestic violence, dating violence, sexual violence, and/or stalking violence, that address prevention, provide assistance to employees who experience violence, and which hold employees who perpetrate violence accountable. The Resolution also presents a model policy from which employers may develop their own workplace protocols and procedures.
- 2. SUMMARY OF THE ISSUE THAT THE RESOLUTION ADDRESSES.**  
Domestic violence, dating violence, sexual violence, and/or stalking violence have profound effects on workplaces, and in particular, for employees who are victims of these crimes. The vast majority of workplaces do not have policies or protocols in place to support employee victims in the workplace and to hold employee offenders accountable.
- 3. PLEASE EXPLAIN HOW THE PROPOSED POLICY POSITION WILL ADDRESS THE ISSUE.**  
The proposed policy position will encourage all employers, public and private, including governments, law schools and the legal profession, to promulgate workplace policies that address the workplace consequences of domestic dating, sexual and/or stalking violence and presents a model policy from which employers may develop their own workplace protocols and procedures.
- 4. SUMMARY OF ANY MINORITY VIEWS.**  
None to date.